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**ETHICS IN AMERICA: NORMS AND
DEVIATIONS**

Special Editor of this Volume

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The articles appearing in THE ANNALS are indexed in the *Reader's Guide to Periodical Literature*, *Book Review Index*, and the *Public Affairs Information Service Bulletin*

FOREWORD

Ethics is sometimes defined as the doctrine of moral principles, sometimes as the science of human conduct, and sometimes as moral philosophy. Sometimes it is categorized as one of the four classical divisions of general philosophy.

But the word "moral" is itself amoral, insofar as it relates to good or bad behavior, for what is good or bad depends upon what we are used to and whether we are hedonistic or altruistic. Also, ethics cannot be called a science, since it is partly behavioral and partly normativistic. In its more strongly normative aspect, it becomes moral philosophy.

Ethics is not changeless, as are mathematics and logic, and as physics would be if we knew enough about it. Morals are readily shaped by changing society, ethics less so, but in ethics we can discern the preponderantly absolute and the preponderantly relative.

Unfortunately, the word "ethics" has been captured and prostituted by interest groups, but we must be sure to recognize that "guild" ethics are not ethics, but have been deliberately misnamed, like "Fair Trade" laws. And we must insist that in discussions of ethics the word "public" means the general and not the pertinent public.

A perusal of the articles in this volume, written by strategically placed observers, will reveal that they subtly recognize the nuances identified in this introduction.

This volume could be dedicated to a number of fine characters, living or dead, but we choose to consider it a memorial to the late Lewis M. Stevens, Director and Counsel of this Academy, public servant in city and state government, candidate for high political office, and civic leader par excellence.

JAMES C. CHARLESWORTH

Dr. Charlesworth is Professor of Political Science at the University of Pennsylvania and, since 1953, has been President of this Academy. In this capacity, and as former Acting Editor, he has brought together many volumes of this journal. Dr. Charlesworth served as the first Secretary of Administration of the Commonwealth of Pennsylvania. Also, he was a Lieutenant Colonel in the Army during World War II. Among other writings, he is the author of a large volume on governmental administration.

Profiles of Ethics: A Tribute to Lewis Miller Stevens

By ROY F. NICHOLS

NATIONS, or in fact any form of society, local communities, cities, and states, have reputations and present images to mankind based upon their conduct. This conduct is the product of mass behavior which, in turn, is often shaped by that of individuals, particularly of leaders. These behavior patterns are often described in terms involving value judgments: they are deemed either good or bad. They involve conceptions of ethics, standards of excellence, which the societies may cherish and which they may strive to maintain at what is considered a high level. To use terms today much in vogue, one of the principal features by which a community image is judged is the profile of ethics which it displays. If the local standards of behavior are high and its leadership righteously responsible, its profile is admirable. However the reverse may be true, and if the standards of conduct are low, the profile may be hideous or at least forbidding. But the description of a community profile of ethics may be difficult to capture and record, for its elements may be complex and blurred.

There is an ancient fable of an individual whose face was of such a character that if one gazed on it from the left it appeared perfect and of good report, but if seen from the opposite angle it was evil. Unfortunately, community images can be equally puzzling to those who wish to portray what one sees on direct confrontation. No one can be more conscious of the fact that in seeking to discover the profile of ethics which a community, in this instance, the United States and its states and

cities, has achieved, the results of the search may be complicated and bewildering. And it often depends upon which side of the face the searcher has within his vision.

Examples of this difficulty may be drawn from the history of the United States, particularly from that portion of it dealing with the development of its attitude toward standards of conduct. The American society was created in a wilderness far distant from the native habitats of those who established it. This wilderness could be reached only after a long and extremely hazardous journey, and when that huge obstacle was overcome, the goal proved inhospitable and often full of peril, not only because of its physiographic ruggedness but also because the aboriginal inhabitants soon became resentful and murderous.

These perils did not prevent an increasing number of Europeans from casting their lot in the New World. Their motives were not simple. Some were high-minded idealists who strove to create improved societies, wilderness Zions, holy experiments, where men could be free to worship as they chose and where they could insure higher standards of ethical conduct and greater happiness. Others, however, sought wealth and power or were merely satisfying a desire for adventure and change. In this struggle to adjust to a new scene, there was an ambiguity of conduct. Some were idealists and others, crass materialists. Some sought greater freedom; others established slavery. And many did both.

In the course of the colonial develop-

ments, there again appeared a change of behavior which was open to ambiguous interpretation. The result was the American Revolution. This could be interpreted as an uprising of subversive radicals against a reasonably benevolent establishment—or as an effort of dedicated patriots to protect their liberties and once again to create an improved community. This time, in the rational framework of the Enlightenment, they would erect a republic in the ideal terms of the Age of Reason.

In the new nation which the success of the American Revolution insured, contrasting interests and motives continued. On the one hand, this unique republic sought to be an example which would enlighten the world and, in so doing, would follow a career marked out by manifest destiny which would carry liberty and popular self-government into ever widening societies. On the other hand, there developed the exploiting tendencies accompanying the Industrial Revolution. Factory towns, inadequate wages, long hours, employment of women and children under conditions detrimental to health—all combined to degrade individuals and communities. And, at the same time, human slavery expanded in part of rural America in a fashion which, though shocking to the North, evoked defense and praise in the South.

Tension grew in an expanding society, with the result that the ideal republic failed to cope with it and a civil war broke out. This was likewise subject to conflicting interpretation. On the one hand, this was a war for freedom which resulted in a triumph of national unity and the abolition of slavery. But it also was marked by great loss of life and treasure. The economic structure was inflated and distorted; the evils of industrialization were expanded; natural resources were exploited and wasted and wealth unequally dis-

tributed, with its control concentrated in the hands of a much smaller proportion of the population.

The era following the conflict, called by some an Age of Enterprise, continued the ambiguity. A new type of entrepreneurs, who organized big business and formed huge trusts and monopolies, could be pictured as great captains of enterprise, increasing national wealth and power, or as robber barons despoiling the unfortunate mass and increasing their own power. They presented a confusing ethical profile, whose nature depended upon from which angle one viewed the image.

This ambiguity passed over into the twentieth century when the great Progressive era burgeoned. In it, the confusing ethics sparked a significant battle for public support. This was the era of the muckraker, when a series of journalists, including Lincoln Steffens, began an effort to arouse public opinion against monopoly, corruption, and wickedness in high places. One of the series of articles which gained wide attention was entitled *The Shame of the Cities*, and one referred particularly to "Philadelphia: Corrupt and Contented." World War I came along and the return of easy morals under Harding, but Philadelphia's designation stuck, nor did conditions improve. Municipal government was in a dreary state in Penn's city, and all too few seemed to have sufficient interest to attempt any reform, although there were signs that Philadelphia, in some areas, was no longer contented. There were those who hoped that they might mould a new ethical profile for the metropolis.

One of these was Lewis Miller Stevens, Esquire. Connecticut-born, he had been trained at Princeton and Harvard and had come to Philadelphia to practice law. In the 1930's, public spirit was aroused to work for a Greater Philadelphia and municipal reform.

Lewis Stevens was one of those who were active in forming a fusion of reform-minded Republicans and Democrats who sought to put a winning ticket in the field in 1939 to begin to oust the Republican machine. Stevens was put forward by them to run for District Attorney. He did not win, but he and his associates had started something.

Their next step was to organize a Charter Commission designed to write a new fundamental law for the city. Stevens was made secretary of this body, and in due time they produced a document designed to provide the City of Brotherly Love with a government which would have the strength and the ethical responsibility to eliminate the "shame" of municipal waste, inefficiency, and graft. Their efforts were crowned with success. Stevens, Clark, Dilworth, Freedman, and their associates not only saw the charter adopted but found themselves in positions of greatest responsibility. Stevens became one of the members at large in the reformed City Council.

After this success, Stevens moved up to Harrisburg when Governor George M. Leader appointed him Secretary of

Highways. During this great crusade to create a new and greater Philadelphia, Stevens carried on an active interest in many public concerns. He was President of the Fels Foundation. He served on many boards, including that of the American Academy of Political and Social Science. He continued a successful law practice. He was a prominent Presbyterian layman. All through these varied public services, he maintained his high ethical standards, perhaps at the expense of some political disappointments. And then, all too early in his life of service, he died.

Few men in Philadelphia's long history served it better or more devotedly. Fortunately, he lived to see much of his effort crowned with success. Philadelphia's charter can in a real sense be thought of as his memorial. Those of his associates on the Board of Directors of the American Academy always profited by his strength and rejoiced in his friendship. They, therefore, offer this issue of *The Annals* as their expression of gratitude to this man who was such an artist in shaping profiles of ethics and who labored in a fashion truly American.

Roy F. Nichols, Ph D., Philadelphia, Pennsylvania, is Professor of History, Dean of the Graduate School of Arts and Sciences, and Vice-Provost at the University of Pennsylvania. His writings have won for him the Pulitzer Prize and many honorary degrees. Despite a busy academic life, he maintains a sustained interest in reform politics and high ethical standards in government. For some years he has been a member of the Board of Directors of this Academy, and he serves on the Editorial and Executive Committee.

Should the Code of Ethics in Public Life Be Absolute or Relative?

By EUGENE CARSON BLAKE

ABSTRACT: A code of ethics must be understood as an objective set of standards or principles which a man could use to help him decide the moral questions which he faces from time to time. The question is whether such a code should be absolute or relative. A relative code of ethics would be a code which recognized the truth of the aphorism "circumstances alter cases." An absolute code of ethics would stand (as a standard) no matter whether anyone accepted it or not, and would be thought of in terms of being unaffected by any change of circumstances. The answer of this article is that a code of ethics must be both, because ethical behavior suffers when either of these categories is chosen to the exclusion of the other. Christian moral philosophers have put forth their answer not in terms of this paradox, but in a position called "contextual ethics." These moralists insist that right must always be determined in the total context of the decision and of reality, and not by the application of an absolute moral law from outside the context of the circumstances, nor by deciding that right is always a little bit wrong and that wrong always has something to be said for it.—Ed.

Eugene Carson Blake, D.D., Litt.D., Philadelphia, Pennsylvania, is Stated Clerk, The United Presbyterian Church, Philadelphia, Pennsylvania. In 1954-1957, he was President of the National Council of Churches and is a member of the central and executive committees of the World Council of Churches. He is a trustee of Princeton Seminary, Occidental College, and San Francisco Theological Seminary, and is the author of He Is the Lord of All.

I SUPPOSE that it may have been wise of the editors of this journal to decide that since the subject assigned for this opening article was so very broad it was better to invite a generalist rather than a specialist to write it. For if they had decided otherwise, which specialist would they have asked: a scholar in the field of ethics or politics, a professional philosopher with special competence in semantics, or a politician or business man who could write out of actual experience in decision-making?

Nevertheless, it is excessively difficult for one who cannot be expected to be familiar with the scholarly literature in the several fields which the article must touch upon to write competently even for lay rather than academic readers. I feel almost as much at a loss as I did some thirty-five years ago when in a beginning course in systematic theology my distinguished professor assigned us the task of handling in one thousand words, no more and no less, the subject "Can sin be explained as the relic of the beast in man?" But it is always good to try to think about the big questions, whether in theology or in public affairs. Let me, therefore, take a breath and launch out onto the deep, fully conscious of the greatness of the ocean and the smallness of my craft.

SOME DEFINITIONS

Let us begin with some definitions before attempting to answer the assigned question: "Should the code of ethics in public life be absolute or relative?"

A code of ethics must be understood as an objective set of standards or principles of behavior which a man in public life could use to help him decide the actual moral questions which he faces from time to time. Such a code could be understood as a relatively short and general list of "Do's" and "Don'ts," such as the Ten Commandments, or it might be developed into a detailed set

of admonitions such as the rabbinical codes which were developed upon the basis of the Mosaic law. In either case, the question, as stated, is concerned with something that is or could be written down, either to be used rather mechanically to give the answers to specific moral problems or, on the other hand, as signposts pointing to the direction of their right solutions.

The question is whether such a code (of either type) should be absolute or relative. Since relative is a concept much more familiar and easy to define than absolute, let us reverse the order in attempting to define them. One could make a quick end to this whole essay by taking the position that since everything human is, in fact, relative, it is clear that any code of ethics must be considered to be relative. Man knows nothing of any absolutes. If I understand existentialism correctly (and I am not sure I do), this is precisely its metaphysical position. Being, as such, is discounted or ignored in favor of existence, which is defined always in terms relative to the knower or actor himself.

Rather than to proceed further in this direction, which can only lead to the reader's confusion, as well as the author's, let us assume that there is some possible human distinction between the relative and the absolute. A code of ethics that is understood as relative would then be a code which recognized the truth of the aphorism that "circumstances alter cases." Such a code would, therefore, of necessity be quite general. It could not be used mechanically to provide easy answers to moral decisions. To try to make it more specifically useful to the man on the moral spot, there would be a tendency to proliferate its casuistry beyond reasonable limits which, in fact, is what happened to rabbinical law and mediaeval Christian morals.

The concept of the absolute is much

more difficult for modern man to understand or to accept as having any specific meaning. When in our time some mathematicians have been willing to say that two plus two equals four only more or less, the man of "common sense" can be forgiven if he decides that nothing is absolute. Aristotle's First Cause, moving, but unmoved, and the Creator God of the Semitic tradition are equally difficult for modern man to conceive or to accept.

Even as I write, I find myself enticed to relativize the absolute in my definition so that my readers may at least be willing to continue with me for a little longer. I could say, for example, that an absolute code of ethics would be one that emphasized not the relativist aphorism "circumstances alter cases," but rather its opposite: "What's right is right, and what's wrong is wrong." But such a statement has already reduced the absolute to the relative, since absolute validity has been transformed into an emphasis which is of course a relative term.

To make any modern sense of this concept of an absolute, I find myself compelled to define it in terms of being, or of objectivity. (Remember the slight excursion into existentialism above.) An absolute code of ethics would stand (as a standard), no matter whether anyone accepted it or not. Fashion would not affect it. It would make no difference whether anyone understood it, or followed it. It would just be there, and understood as quite unbreakable in the ultimate sense. You could not break an absolute code. It rather would break those who ignored it, as the "law" of gravity breaks those who step off a sheer cliff onto the rocks below. An absolute code of ethics in public life would then be one which was entirely objective. It would be thought of in terms of being unaffected by any imaginable charge of circumstances.

Finally, in this series of definitions, we must deal briefly with the concept of "public life." This I shall take simply to mean that part of man's life and activity which is societal rather than individual; and for the practical purpose of this paper I shall define the societal as that beyond the intimacies of family life. We are here concerned with a code of ethics that would be useful to one who must make moral decisions as a citizen in community, or nation, or world; as a worker or manager in some business activity; or as a member of some private association beyond that of family.

A PRELIMINARY ANSWER

The question then is: Should the code of ethics in public life be absolute or relative? In the terms as I have defined them, my preliminary answer to the question is paradoxically that it must be both. I am still enough of a Kantian to believe that deepest truth must be understood by us humans always in terms of antinomy if not of paradox. Since I believe I could refute the position of anyone who would try to answer this question simply by one of the alternatives offered, it seems to me that the most useful thing I can do is to remind us that ethical behavior suffers when either of these categories is chosen to the exclusion of the other.

Why a code of ethics in public life must be absolute

A code of ethics to be useful must be thought of as absolute in the first place because of the universal human tendency to make exceptions in favor of oneself. A good illustration of this was the average patriotic American's reaction during World War II to meat- and gasoline-rationing. Nobody, as I remember it, thought the controls unnecessary, but I can remember how general was the willingness to cut legal

corners in order to get more beef or gasoline for one's personal use. Christian ethics generally recognizes this tendency in man by its theological emphasis on the universality of sin. This doctrine should not be understood, however, as the equivalent of the presently popular cynicism about human nature. The Christian doctrine of man combines realism as to man's selfishness and self-centeredness with an equal realism about the potentiality of man, of every man, to act morally at great sacrifice to his own interests.

In terms, then, of this Christian understanding of man, the possibility of a good life depends upon faith in God who is essentially moral and is also transcendent and objective. (One must hasten to point out that in Christian understanding, this God may not be thought of as one object among other objects. Language presents difficulties when describing God. Most theologians prefer to describe this transcendent God as the Subject in the universe rather than an object.)

This leads us to the second reason why a code of ethics must be absolute. A code of ethics in the Christian understanding is based upon the will of this transcendent God. In Christian tradition, this is classically understood in terms of the doctrine of revelation. God, though absolute and transcendent, is thought of in the Judaeo-Christian tradition as a "living" God, one who discloses himself to men who are his creatures. The present fashion of Christian Protestant theology is to emphasize what is called "special" revelation, that is God's revelation of Himself and His will in Jesus Christ, as against "general" revelation which has traditionally been understood in terms of revelation through nature, general history, and conscience. In both cases, the point is clear that God is, that He exists, that He has acted, does act, will act,

and that, particularly, he acts to make his righteous will known to men, whom he has created.

I put this in specifically Christian terms since no matter how secular a Western man thinks he may be, his way of thinking about ethics does rise out of Judaeo-Christian understanding of reality. Let me try to put my point in secular terms. A code of ethics must be considered absolute to be useful to Western man, because in a hard moral decision he will not take the code seriously unless he believes it to be universally valid. Our traditional ground of universal validity is still, I believe, based upon faith in a transcendent source of right which is most easily described as God.

There are, of course, alternatives to this way of thinking. The most popular in Western civilization (excluding Marxism) is that of humanism which finds no ultimates (certainly no absolutes) anywhere but in man himself. It is my own conviction, as a professing Christian, that, theoretically, if not always practically, this humanism, however idealistic or unselfish, is nonetheless the greatest threat to man's morality or even to his survival and salvation.

Let me put it in another way: the ethical disarray in American public life, with which this whole volume is concerned, stems, in my judgment, chiefly from the secular breakdown of the Judaeo-Christian conviction that God is and is, in fact, the God of that tradition.

Another alternative to this Judaeo-Christian view which I have been describing is that which would build a code of ethics on enlightened self-interest. Here is a practical atheism even if some schools of utilitarianism have theoretically been theistic. Much of our modern secular morals (especially with reference to international affairs) is

based upon the idea that if a man's self-interest is sufficiently enlightened, he will sufficiently restrain himself to live a "good" life. This was an easier position to hold at the very beginning of the twentieth century than it is today. Before World War I, it seemed possible that man, through education and on the basis of an optimistic evolutionary theory, could teach himself how to live with other men. If the twentieth-century wars had found their source elsewhere than in Europe, where civilization and education were most developed, one might have been able to retain the ethical theory that self-interest can be sufficiently enlightened. But when the two world wars arose in Germany, the center of Western learning in our time, and in the response of France and Britain (the two other nations which had a reasonable pride in their rational progress) to Germany's rising strength, it became exceedingly difficult longer to believe that enlightenment alone would some day control the driving selfishness of individual men or individual nations. If World War I had arisen in Africa, or in less civilized parts of Asia, or even in the United States, one might still be able to make a case for enlightened self-interest as the moral solution to human life and survival.

I could have as easily used an illustration from the economic field as the political. Capitalism has been based largely on the ethical theory that my interests and yours will coincide, if both of us are intelligent enough and sufficiently enlightened. But it is clear in the advanced capitalistic countries that self-interest must not only be enlightened, but restrained. Some of that restraint does of course come from common prudence. But the real ethical question in modern, non-Marxist, economics is to find a moral source of sufficient restraint.

It is my conviction that there is none, nor will there be any salvation for a free economy or a free democracy once it is agreed that man is autonomous and the only ultimate source of human value.

To sum up: it is my conviction that the code of ethics for public life must be absolute, since the driving force of self-interest will not in fact be sufficiently restrained for a decent civil life without the conviction that there is in every circumstance a right and a wrong, and that these are ultimately based upon an absolute that transcends the built-in relativism of all kinds of humanism.

Why the code of ethics in public life must be relative

Such a flat statement of the necessity for an absolute code of ethics leads us quickly to see the necessity for the other side of my paradox. The code of ethics in public life must be relative because the worst evils that men have experienced or practiced have arisen generally not out of mere selfishness, or greed, or even the will to power, but rather out of *hubris*, as the Greeks put it, or out of the sin of pride in classical Christian terms. Although it is true that all men see the moral problem from where they stand, and are, therefore, self-centered and, to a considerable extent, naturally selfish, all civilization has been built on an order based on mutual restraints which have controlled this selfishness more or less adequately. We should remind ourselves that there is also a natural altruism, as real as natural selfishness. This altruism shows itself in families, in tribes, in the civic conscience, and in patriotism.

Reinhold Niebuhr, more than any other American, has emphasized the central source of political evil in a democracy. His point, made again and again in his writings, is that man, who is a creature, continually is tempted to

assume the role of God, the Creator. The more power such a man has, the greater is the temptation and the greater the evil when he succumbs to it. This sin is easy to see in others, but it is very difficult to see in ourselves. A shop steward or an office manager is subject to it, just as is a corporation president, a union leader, a bishop, a church bureaucrat, or the President of the United States.

The editorials in newspapers analyzing the crises of our society usually assume that the chief threat to justice, order, and tranquility comes from various kinds of criminals. In the international sphere, these criminals are the Communists, or in an earlier day other totalitarian dictators.

In the national life it is the "syndicate," the Mafia, the juvenile gangs, or, in election years, the other party and its leaders. The general assumption is that there exist in the world outlaws and criminals who spoil the good world for all us good people.

Niebuhr's point, with which I thoroughly agree, is that the major cause for the collapse of a society at any level may be traced to the sins of the "good people," rather than to the criminal activities of "bad people." This is not by any means to condone the evils of criminals. They exist. They must be thwarted. They must be punished. But, I repeat, they and their activities are not the major cause of the ethical disarray in American life.

Lincoln Steffens at the beginning of the century made this case with regard to municipal corruption in American cities. Bernard Shaw's play, *St. Joan*, is a great play in contrast to the recent drama about Pius XII, *The Deputy*. The reason that Shaw's play is good is that the central ecclesiastical figure, who is responsible for Joan's execution, is portrayed, nevertheless, as an enlightened Christian man, and not as a

plain hypocrite or a villain. On the other hand, Pius XII, for whom I have personally little liking or admiration, does not come through as even a recognizable human being in *The Deputy*.

This is relevant to my thesis, that a code of ethics in public life must be relative. For if such a code is thought of as simply absolute, then the ground is laid for public tragedy. A good man, caught by his moral conviction, brings disaster upon himself and, if he has power enough, upon his society, because he is not conscious of the human limitation of his best aims and judgments. It is only on this kind of ethical insight that you can explain a Loyola, a Luther, a Calvin, or a Woodrow Wilson. Each of these was great and accomplished much. But each partially betrayed himself and his cause by his absolutizing of his limited moral insight.

A second reason why the code of ethics in public life must be recognized as relative is that compromise is the only practical way to achieve good in public life. Note that compromise is not the same as appeasement. A public figure who has no code of ethics should not be thought of as a compromiser. Such a man has no principles to compromise. Only a man of moral principle can compromise.

I repeat, then, that the absolutist mentality which does not recognize universal human limitations in grasping moral truth is likely to be the chief source of social disaster. A good example of this is the typical white American attitude towards the racial demonstrations of Negro civil rights groups. With few exceptions, white people absolutize the principle that law should always be obeyed and that police power should always be respected. It is obvious that this is, in fact, a principle upon which rest both the justice and the order of our democratic society. To allow anyone to flout law generally and

to carry on a vendetta against police is to destroy civil order. And justice cannot be established apart from order. Nevertheless, it is clear that order as it is, in fact, maintained in a number of Northern cities (not to mention the states of the deep South) perpetuates indignities and injustices upon people of color that will permanently alienate them as a group from our society unless rapid change towards full justice and dignity is achieved.

The responsibility for the riots of last summer in Los Angeles and Chicago rests ultimately not upon the criminal elements among the Negro population, much less upon the Negro community as a whole, and still less upon the nonviolent civil rights leadership of the nation. The real responsibility for such riots rests upon municipal leaders (and the white majority that supports them without question), who absolutize civil order, conveniently forgetting for the moment the absolute demands of civil justice.

A third reason that the code of ethics in public life must be relative is that otherwise persons who depend on it become hypocrites, conscious or unconscious. The chief reason for the unpopularity of the Church with men outside it is this hypocrisy. That it exists in the Church, consciously and unconsciously, I am aware. And, again following Reinhold Niebuhr's insights, the more nearly absolute a religious man or a religious community judges a code of ethics to be (God's will, for example) the more dangerous is the hypocrisy. This is why Christian morality divorced from Christian faith and worship is recognized by both saints and sinners as a continual threat to life and society.

The Church survives, therefore, not because it has God's will in its moral codes, but because the Church in its worship maintains practices which, among other things, are designed to

keep reminding the best men that their best is not good enough. Authentic Christian saints have always been those who pray, "God be merciful to me a sinner," and not, "God I thank thee that I am not like other men." Jesus reminding the good people to reflect on their own sins before casting stones at an adulteress is clearly more Christian than the leaders of the New England church portrayed, no doubt accurately, by Hawthorne in *The Scarlet Letter*.

CONCLUSION

Christian moral philosophies in our time have been struggling with the problem posed in this essay and have put forward their answer not in terms of the paradox I have set out above, but rather in a position which is called "contextual ethics."

The conservative critics of contextual ethics accuse its proponents of relativizing morality and thereby destroying it. Some of them hold the position that the ethical disarray in American life is caused simply by those who are willing to relativize all right and wrong, even the Ten Commandments.

It is my own conviction, however, that the proponents of contextual ethics are setting out a new way of thinking about morality which may be able to transcend the dilemma posed by the assigned subject of this essay. These new moralists insist that right (and wrong) must always be determined in the whole context of the decision and not in an application of a pious moral principle to the circumstances.

To illustrate their meaning, one may note that this is precisely what A. N. Whitehead attempted to do in metaphysics in his book *Science and the Modern World*. In that book Whitehead was struggling with the problems posed by idealism and realism in metaphysics. His answer was that reality

was neither "in my mind" as idealists would have it, nor "out there" as realists put it. Whitehead proposed that reality was in fact made up of "events" which had both a subjective and an objective aspect.

Similarly, I would here propose that any moral decision depends upon man's making that decision in the total context of reality—not applying an absolute law from outside the context, nor deciding that right is always a little bit wrong and that wrong has always something to be said for it.

The question then comes to this: What

is the context in which moral decisions in public or private life should be made? I am indebted to Dr. Theodore Gill of San Francisco Theological Seminary, who reminds us that God, in whom we live and move and have our being, is the only total context in which ethical decisions ought to be made. It is in full response to that transcendent and immanent God of the Judaeo-Christian tradition that man alone can avoid the twin disasters of falling into a morass of relativism or of building a tower of human pretension which collapses long before it reaches heaven.

Some Ethical Problems of Congress

By JOSEPH S. CLARK

ABSTRACT: A recent Gallup poll illustrates the fact that the profession of politics continues to be held in low esteem by the American public, an opinion probably reinforced by the Bobby Baker case. The President has issued an Executive Order setting high standards for federal government employees, but Congress lags behind the Executive branch. Among the ethical problems which confront the congressman are obligations incurred during the campaign; pressures from constituents, both as individuals and as groups; the conflicts which sometimes occur between the national interest and that of his district; low ethical conduct on the part of some colleagues; and occasional conflict between the real interests of his constituents and their expressed ideas as to what those interests are. There are four general areas where reform is needed to raise the ethical standards of Congress and its reputation with the public: legislation requiring comprehensive disclosure of the congressman's finances; legislation overhauling laws dealing with election campaign finances; diminution of the errand-boy aspects of the congressman's job; and elimination of political patronage at the federal level. Politics is a fundamental activity of our society, and if its ethical practice is not at as high a level as we might wish, the fault is in ourselves.—Ed.

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IN any discussion of Congress, the question of the ethics of its members immediately arises. While the public's estimate of Congress naturally varies from time to time according to whether it is being productive—passing needed legislation—or not, the prevailing general view that the ethical standards of that body are not as high as they should be appears clear.

In a recent Gallup poll, when the question was asked: "Do you think political favoritism and corruption in Washington are increasing or decreasing?" 48 per cent of a representative sample of the nation's voters believed that they were on the increase. Only 12 per cent believed they were on the decrease; 22 per cent believed things were about the same as always, and 18 per cent had no opinion. The phrase "in Washington" does not mean the Congress exclusively, but it certainly includes it. As for the President, the Washington Bureau Chief of *The New York Times* wrote the other day: "It is commonplace to say that Johnson is just a politician—and nothing can be said about a public man in America that is more damning."

It seems obvious that the profession of politics continues to be held in low esteem by the American public. Though there is some reason to believe that fewer mothers faint than formerly at the prospect that their sons might become politicians, the art of government is nowhere near as prestigious a career for a bright and ambitious young person in the United States as the art of medicine or law, or quite possibly the art of music.

No doubt what has come to be known as "the Bobby Baker case" has something to do with the public's currently low estimate of the politics of Washington, but public skepticism about politics and the politician is ancient and widespread in our country. If the

public's view is not entirely fair or justified, those who hold elective public office are themselves at least partly to blame. We are not taking all the steps that we can and should take to inspire public confidence in our integrity.

President Johnson has issued an Executive Order for the Executive branch of the government "prescribing standards of ethical conduct for government officers and employees," setting the highest standards yet promulgated for federal government employees. But the Congress lags far behind, and therefore deserves the public opprobrium far more than the President.

THE CONGRESSMAN'S ETHICAL PROBLEMS

Of course the ethical problems of a member of Congress are varied and complex. It is my purpose here to review, briefly, some of them.

The first thing to be noted is that the member of Congress incurs obligations, makes commitments, and adheres to accepted styles of performance of his duty—which may rise to haunt him later—before he even takes office. He incurs obligations in obtaining his party's endorsement and support, in raising money for increasingly expensive election campaigns, and in accepting the help and support of various individuals, groups, and organizations. He makes commitments and promises, usually—but not always and not necessarily—of an ideological and philosophical kind, and these commitments in themselves bring him both obligations and conflicts—obligations to the postal workers, perhaps, if he has agreed to support salary increases; antagonism from the American Medical Association, perhaps, if he has endorsed health care for the elderly under social security. Finally, it is a rare candidate who does not adopt the commonly accepted style of campaigning which can be summarized as "I can do

more for Massachusetts": that is, I will work to bring more jobs, contracts, installations, projects, urban renewal money, and so on to my district. It should be noted that the electorate itself reflects an ambivalent attitude toward ethical standards during the campaign by expecting the candidate to identify with needs and aspirations of the various groups, organizations, and special interests which appeal to him for support in exchange for their support, while, at the same time, they overlook the possible conflicts which may result from the competing interests of the groups with each other, or the larger and more troublesome problem of the possible conflict between the group or district interest and the national interest.

Let me give you a few specific examples of the kinds of conflicts every congressman faces every day in the week.

Each member of Congress is allotted by each of the service academies a certain number of appointments. Since the candidates he recommends may well become the future officers of the Army, Navy, Air Force, Coast Guard, and Marines, the congressman naturally wants to recommend young men whom he believes to be properly qualified and deserving of leadership opportunities. The congressman may select these candidates any way he wishes. How shall he do it? Should he ask the Civil Service Commission to prepare a test for him to give to all interested applicants and make his decision solely on the results of objective testing? Should he try to do himself political good by naming the young men whom friends, supporters, contributors, perhaps even relatives have urged on him—passing the buck to the services to reject candidates if they are disqualified? Or should he try to do both?

Each member of Congress has a busi-

ness, a bank, a radio station, an electric company in his district. There is the employer who makes watches and clocks and feels threatened by mounting imports which he believes are the result of low tariffs. The employees' union agrees and wants the Tariff Commission to raise the tariffs. Next the member hears from the bank which wants to merge with another bank and wants the approval of the Controller of the Currency and the Justice Department. The radio station wants to broadcast longer hours and needs the permission of the Federal Communications Commission. The electric company believes that the federal regulations governing the extension of transmission lines places the company at a competitive disadvantage and wants the regulations changed.

Now, this second set of problems has one important thing in common: they are not, fundamentally, legislative problems. They are administrative problems largely relating to the regulatory agencies of the federal government created by, but independent of, the Congress or of the departments of the Executive branch. The Congress "oversees" the equal but separate Executive branch and the regulatory agencies. But should the Congress, or any of its members, interfere directly with the internal workings of an agency or department of government? What does a representative say to the bank president who contributed \$500 to his election campaign, to the businessman who helped pay for a newspaper advertisement, to the union which assigned some of its workers at the polls on election day, to the head of the radio station whose good will he wants to keep, to the head of an electric company which employs many people in his district?

And what is he to say if he voted for the Trade Expansion Act and believes increased exports, dependent upon increased imports, are necessary to the

health of the national economy? What if he fought the confirmation of the Controller of the Currency because he considered him too "political" an appointee? What if he regards the regulatory agencies as quasi-judicial and in dire need of support for their independent status? What if he believes public power should be developed in his district?

Finally—as an example of the non-legislative ethical problem—there is the all too frequent case, nowadays, of a departmental reorganization by the Executive branch which results in the closing of an Air Force base, or a Small Business regional office, or a veterans hospital, or even the loss of one precious patronage job—the Collector of the Port, say. This is done by the Defense Department or the Veterans Administration in the name of economy and efficiency; the decision is backed up by a persuasive array of facts, figures, estimates, and long-range plans, and is supported by the President. But it causes temporary hardships, dislocations, unemployment, loss of business; it affects employees, managers, storekeepers, home repairmen. What member of Congress is against economy and efficiency in government? Which candidate—who was elected to office—ever failed to include in his campaign a ringing declaration on behalf of sound fiscal and monetary policies, the elimination of duplication, the ferreting out of waste, the promise of a dollar's worth of government service for a taxpayer's dollar?

These gray areas of conflict are neither insoluble nor insurmountable. There are standard and accepted ways of dealing with all these ethical dilemmas, some more satisfactory than others, some easier on the conscience than others. A district political captain's nephew can be given a second alternate but not the principal appointment to West Point. A status-of-inquiry report

—a letter to a regulatory agency asking only what the status of the constituent's request is—or a request for an expeditious decision by the agency can be sent. A meeting can be arranged between the constituent and the appropriate officials in the Department of Justice handling his case, and the congressman may be present, or he may send a staff member to represent him. A petition of protest can be filed with the Secretary of Defense or a personal plea made to the Administrator of Veterans Affairs. A subcommittee of Congress can bring the Executive culprit down and make a show of grilling him; the whole body—the House or Senate—can come to the rescue and amend a supplemental appropriations bill to provide a delay in the closing of the installation. There is nothing wrong with these time-honored, and mostly honorable, techniques for dealing with ethical dilemmas. Many, if not most, of these natural and built-in conflicts are part of the democratic process itself, after all—and can provide a system of checks and balances among competing interests.

Yet I, for one, am not entirely happy with them. There is a certain amount of wear and tear on the conscience involved in all of them. They give rise to tendencies toward dissimulation, hypocrisy, and insincerity which are not good for the member of Congress or for the public. It is perhaps necessary to point out—public skepticism being what it is—that members of Congress, on the whole, will be as straightforward and as honest in dealing with these dilemmas as their constituents will permit them to be. The fact is too often overlooked that the congressman's need to intervene in matters that are, strictly speaking, not within his jurisdiction, is almost invariably the result of pressures brought to bear on him from his district. There may be an occasional member who brings pressure or threats

to bear on an agency for a favorable decision solely because he will personally be the beneficiary, but I do not know of any. And I am willing to say that, on the whole, the level of integrity of members of Congress is as high as it is in most professions, and higher than many. So long as the public demands favors, or individuals expect favoritism, so long as constituents expect members of Congress to be errand boys in Washington for their personal or group interests, just that long will members of Congress have to live with and resolve as best they can, preserving as much of their personal integrity as they can, these nonlegislative ethical problems.

For those who may wonder how I deal with these problems myself, what standard I use for maintaining my honor, my rule of thumb is this: using my influence on behalf of my constituency is not in itself immoral—indeed, it is appropriate; benefiting personally from the use of my influence or taking reprisals against other parts of the government when my influence is unavailing is unethical. I like to keep in mind the story told of the late Senator Claude Swanson of Virginia who, when asked to what he attributed his long and successful political career—he was also Franklin Delano Roosevelt's first Secretary of the Navy—replied:

To my unflinching adherence to three maxims of political conduct—First, be bold as a lion on a rising tide. Second, when the water reaches the upper deck, follow the rats. And third, and most important, when in doubt, do right.

Of the many interesting and colorful stories which came out of the presidential and congressional elections of 1964, one illustrates a basic and important ethical dilemma which a member of Congress faces in his capacity as a legislator. A conservative Republican from a midwestern state who had served in Congress a good many years was swept

out of office in the Johnson landslide and replaced by a Democrat. He told the press, quite candidly I think:

If I had known my district wanted a more liberal Congressman I'd have voted more liberal. I've always considered myself more liberal than my constituents personally, but up 'til now they seemed to want me to be pretty conservative. Had I known, I wouldn't have lost.

This dilemma is faced by all members of Congress. We all spend far too much time on running errands and too little time on the complex and exacting work which is our fundamental *raison d'être*, making laws. But we do, nevertheless, eventually get around to legislating, and we do come up against frequent conflicts between our district's interests and the national interest, between being a United States senator and a senator from Pennsylvania, between, quite possibly, doing what is necessary for re-election and what we in our hearts believe to be right.

The oft-quoted homily from that great conservative Edmund Burke's speech to the electors of Bristol is a standard to which many of us repair. Burke said:

Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

(If our friend from the Midwest had kept to that standard he might not have been defeated after all.)

But the difficulty with Burke's advice is that it does more to state the problem than it does to resolve it. For it is obvious that a member of Congress must, on the whole, and over the long run, represent majority opinion in his district or state or he is not going to remain in office very long. Thus, again, the mistake made by our friend from the Midwest was not in flaunting public opinion but in misreading it.

For most members of Congress, for

those especially who come from two-party districts, almost every important bill that comes to a vote brings with it a division of opinion among his constituents. This is as it should be, and does not in itself produce an ethical problem. It may, if campaign contributors, labor union supporters, his political party's organization, or other special interest groups want the Congressman to vote one way and his conscience dictates another. But if opinion appears, in his best judgment, to be reasonably well divided, it is not too difficult for the congressman to vote his convictions. But what happens if opinion among the constituency is virtually monolithic? Here is the making of an ethical dilemma indeed.

In our time, a most glaring and clear-cut example of this kind of ethical problem for a member of Congress was in the area of civil rights. Is it possible to believe that there was not one, not a dozen, among the senators representing states of the Confederacy who did not personally believe that equal opportunity before the laws was right, and just, and long overdue? I do not believe that for a moment. Yet, apparently, no one felt it was possible to resolve the dilemma he faced in favor of his own conviction rather than the convictions of the overwhelming majority of his constituents.

The position taken by one Southern senator, a distinguished expert in the field of foreign relations, who has made major contributions to our national welfare over the years in that and other fields, poses the problem nicely. Shall I—he said, in effect—throw out the window my entire congressional career, and all the opportunities I have to work for our national interest in foreign policy by defying the obvious will of the people of my state, even though I believe them to be wrong? Every Southern senator whose views may have dif-

fered radically from that of his constituents had to weigh in the balance delicate, subtle, and complex ethical variables involving his duty, conscience, beliefs, and the very value of his public career against the will of his constituents, a will about which there was no mistaking the intent.

Almost as visible to the untrained eye was the ethical dilemma faced by senators who lived and worked side-by-side with the late Senator Joseph McCarthy while he recklessly exhibited about as low an ethical standard of public life as we have seen in the history of the Republic. Many a senator was surely torn between his personal contempt for the practices, techniques, and methods used by Senator McCarthy at the same time that he was being deluged with constituents' signs of approval for what McCarthy was doing. Did the more ethical choice lie in risking one's own public career by opposing McCarthy early and openly, or in relying on the old adage that he who fights and runs lives to fight another day?

To be sure, the ethical choices facing the national legislator are not ordinarily so punishing or so dramatic as these two examples, but the late President Kennedy's excellent book *Profiles in Courage* is a series of case studies of difficult ethical choices faced by elected public officials. Small and large, they are part of the official's daily life.

Most of us, no doubt, believe—perhaps idealistically, more likely immodestly—that we do enough over-all good by remaining in office to be willing to cut a corner, skirt an edge, look the other way on those occasions when the national interest is not at stake and our political lives may be. Very often, thank heaven, a majority can be found to support a piece of legislation so that a congressman with special problems relating to his constituency can vote his local interest knowing the larger interest

will nonetheless be served. But not always, and the choices can be hard.

Here again, no senator joyfully or willingly seeks to be known as the senator from such-and-such an aircraft company, or such-and-such a Middle Eastern country. But self-preservation makes heavy and sometimes conflicting demands. And here again we must look at the constituency itself, at those who, by their demands and expectations, by their threats—implied or stated—of retribution at the polls, contribute more than their fair share toward creating the congressman's ethical dilemma. So long as the voter's motives for supporting a congressman are mixed, the congressman's motives must, alas, also be mixed. Our democracy is sufficiently impure, our regional and economic interests sufficiently diverse, to keep any confusion between Sunday school and Congress a long way off.

I am aware, of course, that all men in our free society of free choices face ethical dilemmas. I do not mean to separate the members of Congress from those others—businessmen, lawyers, bookkeepers—who face difficult ethical choices every day of their lives also. But the fact is that the public itself places Congress and indeed all public men on a pedestal higher than the rest of society, and does expect—correctly, in my opinion—that the standards of public life must be impeccable if possible, and at the very least as high as our society will tolerate and support. The member of Congress, like Caesar's wife, must be above suspicion. For us, dependent upon your support for our right to serve you, the very appearance of unethical conduct can be as deadly as actual wrongdoing.

There is a school of thought which believes that the public has become so accustomed to unethical practices, to downright scandals, at every level of government from the sheriff's office to

the White House that the electorate is inured to it, and despairs of ever raising the ethical standards of public conduct. I hope that is not true; I for one do not believe it to be true. It would be a sad day for all of us if we accepted corruption in public life as inseparable from the democratic process itself. It is not.

In the first place, the overwhelming number of our public servants, including members of Congress, are honest men. In the second place, no group of men or nations will ever be without the constant confrontation of ethical dilemmas. In the third place, there is a good deal we can do here and now to raise the standards of ethical conduct in public life, and to eliminate some of the gray areas which create confusion and suspicion unnecessarily.

AREAS FOR REFORM

As I see it, there are four general areas where reform is needed to raise the ethical standards of Congress and to improve the reputation of Congress with the public. These are: (1) legislation to require comprehensive financial disclosure of members of Congress' assets and debts, (2) legislation completely overhauling our obsolete laws dealing with the financing of election campaigns, (3) a diminution of the errand-boy aspects of the congressman's job, and (4) the elimination of purely political patronage at the federal level.

Let us look at them one by one

Disclosure regulations

The possibility of a conflict of interest between an office-holder's private gain and his public duty had been brought to the attention of the public most often, until recently, in connection with the nomination by the President of cabinet members who were men of considerable prominence in industry, with extensive private holdings. Headlines were made when a Secretary of Defense,

as the result of a hearing on his nomination before a Senate Committee, sold thousands of shares of General Motors stock before he was confirmed by the Senate. To anyone who raised the question: If senators expect a cabinet officer to expose his private holdings and clear himself of any possible conflict of interest, what about them? the answer was that the conduct of employees of the Executive branch—no matter how high up—was not subject to the judgment of the electorate. A congressman, in a word, had to go before the people for re-election every two or six years, and the people were the best judge of his conduct. Indeed they are, but another, perhaps more important, question is not answered: How are the people to get the relevant information? How is the electorate supposed to know when a congressman is voting on legislation that may bring him private gain?

The Bobby Baker case focused attention on Congress itself, and there is an increasing public demand for Congress to do something about its own possible conflicts of interest. Many members of Congress still scoff at this; my good friend Senator Dirksen says that public disclosure of his finances would reduce him to the status of a second-class citizen, and he is opposed to that. Nevertheless, the Senate Rules Committee conducting the Bobby Baker investigation actually did report to the Senate in 1964 recommendations for public disclosure of financial interest by members of the Senate. It was a timid small step, providing that senators and employees of the Senate earning over ten thousand dollars file a yearly report with the Secretary of the Senate revealing: some basic data about business or professional activities in which the senator or employee had an interest equal to half of his Senate salary; the name and nature of any business in which he was an officer, director, manager, or advisor;

and the name of any firm in which he holds a financial interest which practices before agencies of the federal government. As a member of the Committee, I signed the report making these recommendations, but I suggested on my own a more comprehensive set of regulations for financial disclosure, covering assets, liabilities, capital gains, professional associations, family, gifts, association with lobbyists, and moonlighting. The Senate did not accept either the Committee's recommendations or my own. Instead it toyed with the idea of a commission of ethics in the federal government and then subsequently created a bipartisan Select Committee on Standards and Conduct which, so far as I know, exists only on paper.

The Baker case was reopened late in 1964 when new material brought to light by Senator Williams of Delaware led to further investigations. But the recommendations of the majority of the Rules Committee for remedial action were quite inadequate. They invoked the new Executive Order on conflict of interest issued by the President, called for the activation of the Committee on Standards and Conduct, and accepted, in principle, the need for conflict-of-interest regulations and restrictions on moonlighting by employees of the Senate. As I said in my own supplemental views to the Committee report:

Although I endorse the Committee's report of the results of its investigation I am dissatisfied with its recommendations for remedial action. I do not dissent from these as far as they go, but I believe they do not go far enough. The investigation has given the Rules Committee and the Senate a penetrating insight into the dangers of conflicts of interest and improper business and financial transactions by Senate officers and employees. It has also demonstrated the ease with which vague rules and imprecise ethical imperatives can be evaded by persons of sufficient greed and ingenuity. The lesson of the

investigation is that only stringent rules of financial disclosure, and the rigorous control of outside activities, can insure against a recurrence of the improprieties by public officials disclosed in this report. To the extent that the committee has failed to recommend such rules, it has failed in its primary task.

It is clearly impossible to set up a code of ethics which will cover all the dilemmas to which a member of Congress is subject. To do so, moreover, is to try to play God—or at the very least Hammurabi. I, for one, do not feel up to that. It seems to me preferable to retain the basic principle that, since the member of Congress is subject to the will of the people, they be given the facts by which to make their judgment. If I have General Motors stock, my constituents should be aware of that fact so that they can determine for themselves whether my public record as a member of Congress reflects a possible conflict of interest. The point is not to penalize members of Congress by depriving them of the economic rights enjoyed by all other citizens, but to make it possible for the constituents to make an informed judgment about the congressman's performance of his public duties in the face of a possible conflict of interest. At the same time, financial disclosure would require the congressman to think twice about any questionable action that might be construed unfavorably by the public. Financial disclosure does not tell the congressman what to do about a possible conflict of interest: it just insures that what he does cannot be kept secret. That leaves freedom of choice for the congressman and the voter, and is therefore, as I see it, the proper solution to the problem.

Needless to say, the more comprehensive the disclosure regulations, the better for all of us. If disclosure is to be full of loopholes—permitting one to transfer one's holdings to a spouse and

then not requiring her to report them, for example—public confidence and private conscience will be poorly served indeed. To my mind adequate financial disclosure should include:

(1) Asset disclosure: the identity and fair market value of any asset having a fair market value of \$5,000 or more.

(2) Liability disclosure: the identity and amount of each liability in excess of \$5,000, together with the name and address of the creditor. I propose this because debts, as much as assets, are potential stimulants to public impropriety.

(3) Capital gain disclosure: the source and amount of all capital gains in excess of \$5,000 realized in the preceding year by the reporter, his spouse, or a strawman acting for them. But, as with asset disclosure, matters relating to real property which is used as a dwelling by the reporter or his immediate family are exempted.

(4) Income disclosure: the source and amount of every item of income for the calendar year in excess of \$100, including honoraria, expense money, and gifts other than those from a relative.

(5) Disclosure of all these four categories of financial condition on the part of a spouse.

(6) Disclosure of association with a professional firm which practices, on its own behalf or on behalf of another identified business, before federal government agencies.

A strict disclosure rule meeting these requirements was proposed by me in the last Congress as a substitute for the disclosure rule recommended by the Rules Committee, but was rejected by the Senate.

Campaign practices

What of the incipient ethical dilemmas engendered along the way to becoming a member of Congress—the relationship between money and politics

which is evidenced most directly, if most secretly, in the cost of financing an election campaign? It is obvious to all that the cost of election campaigns has risen astronomically in recent years. There were senatorial campaigns in 1964 in which each candidate spent more than one million dollars on television alone—just in one state. If we are to have in public office men other than the very rich or the very corrupt, we had better do something soon about campaign-financing.

We cannot much longer permit the pernicious influence exerted on the candidate for Congress by wealthy contributors, whether they are families, unions, or committee fronts. We cannot much longer ignore the fact that the wealthy candidate is beginning to have distinct advantages over the ordinary candidate. In Pennsylvania, the difference between spending \$100,000 and \$600,000 on television commercials can be the difference between winning and losing an election. That is a very dangerous business.

There are several steps we can take to remedy our present, and unhappy, situation. We should have shorter campaigns—as is done in many other democratic countries with great success, notably Great Britain. We should probably have primary elections, or state nominating conventions, closer in time to the general elections than is now the case in many states. The federal government should certainly come to an agreement with the radio and television broadcasters—who have already indicated a willingness to co-operate—to assure free and ample time during an agreed period of perhaps four weeks prior to the election of the candidates of both major parties. This means changing our present communications laws, and changing the so-called “equal-time” provision, but I believe we can, and must, find ways to work this out.

I believe the income tax laws should also be amended to permit a tax credit of at least ten dollars an individual for contributions made to *bona fide* political committees or to candidates for office to meet the expenses of campaigns. At first it might be wise to confine this tax credit to contributions made to individual candidates and state and national committees for use in federal elections. If successful, it should later be spread to local, state, and primary elections. In my view, millions of taxpayers might be persuaded to make a political contribution to the candidate or party of their choice under such a system. And it is preferable to a tax deduction which is useful primarily to those who make large political contributions and file detailed tax returns, not the large numbers of people who take the standard tax deductions.

A Commission on Campaign Costs appointed by President Kennedy also recommended that money collected for election campaigns be disbursed only through the Party's National Committee and state committees designated by them.

The Corrupt Practices Act should also be completely rewritten, after comprehensive congressional hearings to close its well-known loopholes, to require full reporting of the source and amount of contributions to both primary and general election campaigns and to impose stringent criminal penalties for giving or receiving political contributions in cash. The forms of affidavit required of campaign finance chairmen and treasurers should be such that prosecutions for perjury would be possible if the report required did not reveal the *bona fide* source of all contributions received.

The Ombudsman

In view of the inordinate amount of the congressman's valuable time taken

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up by running interference for his constituents, as well as the ethical questions this raises, it seems to me we should seek ways to free members of Congress from unnecessarily burdensome and troublesome errand-running. Senators, who have six-year terms and larger supporting staffs, are better off in this regard than their confreres in the House.

A four-year term for House members might very well make it easier for them to stiffen their resistance to questionable constituent requests, and might also ease the fund-raising problems and pressures resulting from virtually always being in the position of running for office.

One way to help solve the errand-boy dilemmas—put forward by Congressman Henry Reuss of Wisconsin—would be to adopt the device of the Ombudsman successfully used for years in the Scandinavian countries. The Ombudsman is an administrative officer who channels constituent requests from the legislator to the Executive branch—a civil-service expediter and prodder who handles on a centralized basis all requests for information or service, complaints, and the like, and reports back to the legislator. The member of Congress retains the privilege, which most members believe important to their political and public relations, of relaying the material or answer back to the constituent. Sooner or later, in my opinion, we will have to adopt some such arrangement. It is useful and desirable and would have a salutary effect on Congressional ethics—and performance. Meanwhile, until we do get such a system, we should certainly require the congressman and the Executive branch to put all visits, calls, contacts, and

meetings between the member of Congress and his staff and regulatory agencies and departments of the Executive branch on record. This will protect the congressman, and may very well act as a restraint on some of his constituents.

Patronage

Fourth, and finally, we should do away with federal political patronage. There is no good reason that I know of for the United States Senate to be confirming thousands and thousands of postmasters each year. It is an obsolete practice which is retained because there are still some senators who wish to have this patronage weapon in their hands. There are far fewer marshals, United States attorneys, and federal judges to confirm, but here too there seems to me to be no useful purpose served by permitting these important posts to become the patronage appointments of a United States senator.

Aristotle once said that people get the kind of government they deserve. My own experience in politics has taught me that, by and large, Aristotle's conclusion was perhaps too gloomy. On the whole, I would argue, people get better government than they deserve.

Politics is simply the technique by which a free people govern themselves. As such, it is a fundamental activity of our society. To expect the values and practices displayed by the practice of politics to rise significantly higher than that which characterizes us in our other activities is to ask too much. The wonder of it is that it often does just that.

And on those occasions when it does not, the reason is not far to seek. "The fault, dear Brutus, is not in the stars, but in ourselves."

Correctives for Dishonest and Unfair Public Administrators

By BLAIR BOLLES

ABSTRACT: After a period of blatant discriminatory practices during the postwar years, the federal government under Presidents Kennedy and Johnson has initiated an attempt at reform. The principal administrative corrective being tried today in order to prevent dishonesty and unfairness in public office is a body of regulations designed to safeguard the civil servant from temptation, for example, a sixteen-page letter of regulations issued by the Civil Service Commission, as well as various similar rules issued by the individual departments of government. This article suggests that in contrast to these methods the effective correctives are (1) vigor and clarity in setting forth the goals of government policy and day-to-day government activity, under the leadership of a forceful President; (2) persistent inspection within government agencies; and (3) swift legal action when an act of dishonesty is uncovered and swift administrative retribution when an act of unfairness is uncovered. Thus the public interest in equality before the government and in effective government is defended, and the dignity of the civil servant is preserved.—Ed.

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THE title of this article may give the impression that the dishonest public administrator, or the unfair one, is a commonplace. This is incorrect, particularly with respect to the federal government, which is the concern of this article. While the introduction by law of the civil service merit system ninety years ago has not rid the public service of incompetents who can be unfair out of stupidity or ignorance, administrative procedures now direct the civil servants along paths which make dishonesty and unfairness difficult to practice or difficult to sustain. The public pays a price for this scrupulousness, the price of occasional slowness in the official pace and of a tendency toward exasperating inflexibility. Action-takers and decision-makers in federal agencies function in a kind of geological stratification of bureaucracy, with overlays of groups checking each other before, in most instances, finality is achieved. As the number of personnel employed by the federal government increases, as the national population increases, and as the dependence of an ever-growing number of persons on the federal government becomes more pronounced, the sense of contemplative caution by administrators intensifies. A taxpayer seeking a fair deal from some segment of the government which he supports is very apt to identify the slowness as unfairness.

SAFEGUARDING GOVERNMENTAL HONESTY

The safeguarding of honesty in the federal administration by fixing restrictions on the kind of relationship which a civil servant may enjoy with people in the general public has been a pre-occupation in Washington since the disclosure of blatant discriminatory practices which were dishonest and unfair and intolerable during the years immediately after World War II, from

1945 to about 1951 or 1952. The Reconstruction Finance Corporation was administered as a preferential preserve for a few fortunates in search of easy loans. The Internal Revenue Service turned into a scandalous seat of purchased favoritism. A few staff people in the White House itself helped friends at the common expense. Independent agencies controlling air-wave licensing and air-route franchises were suspect of basing some decisions on personal taste rather than the national interest. The abuses declined in frequency but persisted throughout the 1950's and even into the early years of the next decade. The ability of Billy Sol Estes to dazzle or bewilder a few government functionaries enabled him to make a fortune through the exploiting of ineptly administered law to his own advantage and to the financial harm of trusting investors and lenders. The United States entered present times against the background of long-persistent favoritism in the use of government powers.

The correctives usually chosen for such a condition are direct and restrictive, designed to enable civil servants at all levels to reject temptation to dishonesty and unfairness. Important examples come from the Department of Defense, which in 1964 forbade employees of the Department and its sub-segments (including Army, Navy, Air Force, and Marine Corps) to accept hospitality—lunch, dinner, a highball, or a cup of tea—from a contractor or would-be contractor for defense business. The Department also requires retiring regular officers to abstain from the work of selling for a contractor to the defense agencies for three years after retirement. The most far-reaching exercise of restraint on the behavior of civil servants is in the letter of the Civil Service Commission, October 1, 1965, addressed to heads of all depart-

ments and independent establishments of the federal government. These heads were instructed to prepare conduct-regulations for their own individual agencies by December 30. Transcending the pioneer efforts of the Department of Defense in control of behavior, the letter states its subject thus:

Regulations on Employee Responsibilities and Conduct Implementing E. O. 11222, prescribing standards of ethical conduct for government officers and employees.

The sixteen-page, single-space letter opens with this paragraph:

Under Executive Order 11222 of May 8, 1965, the Commission is responsible for issuing Government-wide regulations governing the conduct of employees and special Government employees covering such matters as the acceptance of gifts, entertainment and favors, out-side employment, teaching and writing, and the use of government information for private gain. The order also directs the Commission to issue regulations requiring that certain employees file statements of employment and financial interests

The Civil Service Commission's regulations accompanying the letter extend to all agencies the same prohibition which originated with the Department of Defense against the acceptance of entertainment, including meals, by any agency employee from a contractor of fact or aspiration. We see that meals pose a danger to morality, and that unfairness in the treatment of Citizen A versus Citizen B may spread alarmingly because of the allure which a good salad or a delicious piece of beef or a titillating highball may have for a servant of the public or his clerk. Rather than being a shield of good behavior, the enunciation of such rules seems to be an admission that the civil service is filled with weak characters whose will can be reduced to putty by a gift of

spaghetti Bolognese. This is truly a libel upon the civil service.

Probably the subconscious reason, certainly the unadmitted reason, for the imposing of such prohibitions is not so much to prevent dishonesty as to give the impression that it is being prevented. It is an exercise in public relations. If some devil-may-care employee of Uncle Sam secretly accepts a martini from a contractor whom he has known since childhood, then he defies the regulations. And if he is asked whether he has defied the regulations and replies in the negative, then he is lying. Defiance and lying are common in all private walks of life; why not in the government?

IMPORTANCE OF THE PRESIDENT'S ROLE

The effective way of limiting, in the greatest possible degree, dishonesty and unfairness is to administer the political programs of the various agencies with such vigor and with such clarity of purpose that each administrator involved will see the opportunity to fulfill his interest in contributing what is within him, his total capabilities, to the task. This is an attitude which must originate with the President of the United States, for the essence of a program for maintaining honesty and fairness to the fullest degree comes from example and leadership.

One cannot insist too strongly that propriety of administration in government is encouraged more certainly by political considerations than by moral abjuration. The more noticeable sense of rectitude which has graced our federal government during recent years of the current decade is evidence for this point of view. Presidents Kennedy and Johnson both set a sort of moral example by refusing to be present-takers on any large scale, in contrast with past practice and with a number of staff

people at the White House in the late 1940's. But the real strength of their administrations came from the lucid definitions which these presidents have set forth of the political purpose of government and government programs. "Why am I living?" goes a line in a maudlin love song. "Why am I working here?" might be a valid question for a civil servant in a time when the purpose of federal government is uncertain. Confusion and boredom have been parents of acts of dishonesty and unfairness in government administration. A man without purpose in his work may corrupt his opportunities to his own advantage (dishonesty) or to the advantage of some outsider (unfairness and, perhaps, also dishonesty). Even in the best of circumstances, misuse of opportunity within the government will survive among a few. But the enthusiasm which Kennedy brought to the task of governing and which Johnson has maintained after him elevates the role and the importance of the administrative personnel who carry out the task. Their feat is remarkable in a time when the purpose of society itself appears confused.

Selection of key personnel

Care in the selection of key personnel is a telling factor in administrative discouragement of dishonesty and unfairness. Full exercise of such care is difficult in the American federal system, because of the practical pressure to give jobs to the party faithful and to persons recommended by members of Congress whose support is important to a president. This leads too often to staffing by incompetents who compound their shortcomings by the feeling that the government owes them a job rather than that they owe their best to their employer, the government. The partisan approach to job-staffing is inevitable, but it can be tempered. Lyndon Johnson

implies that he recognizes the importance of care in selection by the fact that he has assigned the planning of recruitment to a specialist in personnel, John V. Macy. Macy is head of the Civil Service Commission. He is also chief talent-finder for the Johnson Administration. As a result of the responsibility given to him, the federal government has benefited from the addition of a number of excellent men and women who possess proved leadership capability and sound knowledge of their fields of endeavor, and who lend vitality to whatever administrative agencies they head. Two examples are Secretary of Commerce Connor and Secretary of Health, Education, and Welfare Gardner. They add to the deterrent to dishonesty and unfairness which is implicit in government that takes its institutional self seriously.

Government with clarity of purpose does not inevitably mean government of large purpose. In past days when the duties of federal government were more narrowly circumscribed than now, in the times of Washington and Jefferson and even Hayes, the sense of purpose with small focus was as effective as sense of purpose in the far larger and more expensive government of Johnson. But the diminution of the scope of government from large to smaller has brought abuses in the past, for example, in the administrations of Grant after Andrew Johnson and Lincoln, of Harding after Wilson, of Truman and Eisenhower after Franklin D. Roosevelt. The apparatus of large government when passed on to a group of administrators dedicated to retracting the reach of the State leads to misuse of the apparatus for the benefit of self-indulgence by a few government officials and to favoritism. So the present-day growth in government that is accompanied by remarkably few abuses of honesty can open the way to a period of severe abuse, when in

some future time growth is replaced by a policy of retrenchment. Here is an administrative problem which should be prepared against well in advance.

Efficacy of swift punishment

The most effective corrective after the endowment of government with clear sense of purpose is swift punishment for public servants who are dishonest and unfair in the use of their powers. The congenitally unfair can be removed from the government payroll. The dishonest are usually guilty of a crime, an outrage against fundamental morality, such as bribe-taking. Prosecution of revenue agents who personally profited from their duties a generation ago serves as a warning to those who are tempted to copy them today. The contemporary Department of Defense has been quick to seek prosecution of the rare official who is currently suspect of a lapse in honesty. The road-building program of recent years has been marred by corruption, not within the federal government which sponsors the program, but among nongovernment people; arrest and trial have followed discovery of abuse.

This is an important fact because it argues against the use of special regulations as an administrative corrective to dishonesty and unfairness. Such regulations are corrective in that they insulate government personnel from obvious occasions of temptation. But they are also a humiliation, in that they imply that civil servants are particularly weak in the face of temptation. The defense-against-temptation corrective is further

reprehensible when it is applied selectively. An example is the conflict-of-interest policy which limits the contact of retired regular military officers with defense personnel where the possibility of a contract may be a subject of discussion among them. Yet neither civilian personnel of the Department of Defense, from the highest to the lowest level, nor retired reserve officers are subject to this administrative restraint after they leave their jobs. The whole body of this activity, along with the lie-detector testing which has been practiced in a few agencies, is designed to regulate ethics in expectation that misbehavior will be prevented. The actual need is to inculcate the sense of ethics and to punish misbehavior.

In summary, the principal administrative corrective being tried today in order to prevent dishonesty and unfairness in federal office is a body of regulations designed to safeguard the civil servant from temptation. In contrast, the effective correctives are (1) vigor and clarity in the setting forth of the goals of government policy and day-to-day government activity, under the leadership of a purposeful President; (2) persistent inspection within government agencies; and (3) swift legal action when an act of dishonesty is uncovered and swift administrative retribution when an act of unfairness is uncovered. Thus the public interest in equality before the government and in effective government is defended, and the dignity of the civil servant is preserved.

Political Party Officials: Responsiveness to the Public

By IVAN HINDERAKER

ABSTRACT: The theme is developed around Paul H. Douglas' *The Coming of a New Party* (1932). Crying out against corruption and business domination in both major parties, Mr. Douglas saw hope only through the coming of a new party. The contrast between Mr. Douglas' "then" and our "now" is striking. "Public interest" has been redefined, with great new political power developed by labor, social security publics, minorities, price-supported farmers, and others with a stake in governmental intervention. Contributing also to the new environment in which political party officials must operate are stronger executive leadership, civil service and the "Hatch Act" type of legislation, improved public administration, and variables influencing party organization. All men are not inherently evil, but in any competitive situation there are likely to be *some* who will stoop to whatever will get by. The degree of ethical array or disarray will depend in large part, therefore, on the levels of personal conduct and the approach toward the "public interest" which the environment will or will not tolerate.

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CAN political party officials be forced to be loyal to the public?" That was the form in which the problem for this article was first posed. Such a statement of the question has no serviceability as a title, but it did produce an emotional reaction strong enough to compel involvement.

The question is begged. Political party officials, the implication is, *are* disloyal to the public. They will have to be *forced* to be loyal.

The question is oversimplified. Party officials: Where and at what level? Massachusetts or California, Cook County or Los Angeles County, national or state or local? It does make a difference.

Public: What public? The "general public," or the political party, or a faction of the party? Identification of these kinds of publics can be a tricky business.

Loyalty: What kind of loyalty? Elementary personal honesty, or dedication to "public interest?" Loyalty has many dimensions.

Forced: How? By machinery designed to cope with individual wrongdoing, or by influencing the character of the total environment to which political party officials must adapt in order to survive? In the area of political party officials' ethics, as in many other areas, in determining the result the attractiveness of the carrot may be at least as important as the power of the stick.

"Can party officials be forced to be loyal to the public?" Substantially the same question was asked, and in the same kind of language, in a book written some thirty-three years ago. In the setting of that earlier time, it was much less begged and oversimplified than it is now. Perhaps then its spirit was essentially accurate, as it may still be now in some places in the United States.

COMING OF A NEW PARTY

The date of publication was 1932. The author was a professor of economics at the University of Chicago. Today he is United States Senator Paul H. Douglas, Democrat—Illinois. In *The Coming of a New Party*,¹ Mr. Douglas concluded that political party officials (the Democratic and Republican party officials of that time) were "disloyal" in an ethical sense. He concluded, also, that there was no effective way to force party officials to be loyal to the public. Therefore, he advocated an attempt at replacing one of the major parties by a new party. His argument follows.²

Both major parties were shot through with corruption. Both were dominated by business interests. There was no hope for Progressive farmer and labor forces in either the Democratic or Republican parties. Neither party, even if one tried, would be able to arouse the great masses of people whose support would be essential if the Progressive cause were to triumph.

In the Republican party, fine men like George W. Norris of Nebraska and William E. Borah of Idaho were weak and insignificant in relation to the forces of corruption and reaction. As for the Democratic party, it represented a dismal combination of James M. Curley of Massachusetts, Tammany Hall's Mayor Jimmy Walker, Pennsylvania Democrats making deals with Pennsylvania Republicans, an Illinois Democracy hopeless with its "Bathhouse John" Coughlin and "Hinky-Dink" Kenna, such assorted other liabilities as the St. Louis and Kansas City machines, and Southern state Demo-

¹ Paul H. Douglas, *The Coming of a New Party* (New York: Whittlesey House, 1932).

² See Ivan Hinderaker, *Party Politics* (New York: Henry Holt, 1956), pp. 79-97.

cratic parties no better than Republican parties in the North.

Mr. John Raskob, former president of General Motors and friend of the Duponts, was Democratic National Chairman. The Democratic party was in financial debt to him personally. More money from other capitalistic interests would be needed. Democrats, it seemed, were vying with Republican Treasury Secretary Andrew Mellon to cut upper-bracket income tax rates. Democrats were making no real effort to reduce tariffs. Mr. Raskob's policy appeared to be one of direct competition with Republicans for the favor of big business.

In this situation, what good could Franklin D. Roosevelt do as President? Not much. A wholesale transformation would be necessary for the Democratic party even to approach the outer limits of decency. "There is nothing," stated Mr. Douglas,

that liberals need to rid themselves of more than the infantile notion that a president can by himself greatly change things. He is dependent upon the politically organized forces of the country for the adoption of a legislative program and for his own re-nomination and re-election. As long as the corruptionists and conservatives are the only groups which have the wit to possess real organizational strength, a president or governor will be compelled either to let them alone or help them have their way.³

Such were the reasons to argue for the coming of a new party. Mr. Douglas found major party officials generally lacking in virtue throughout the United States and at all levels of party organization. The public which was not receiving the loyalty of political party officials consisted of farmer and labor groups which had the potential of becoming a Progressive majority. The standards against which loyalty should be judged included both personal hon-

esty and dedication to the "public interest" of the potential farmer-labor majority.

Mr. Douglas saw no possibility of change generating from within the Democratic and Republican parties. He saw no adequate means at hand to impose a spirit of loyalty on either major party from without. His only alternative was a most radical solution, radical because our political system is a hostile environment for major parties, so hostile that the history of American politics is littered with minor parties which tried to become major parties and failed and disappeared.

So concludes the argument which Mr. Douglas advanced in 1932. Many changes have taken place in our American political parties since that time. At least in some states and local areas and over-all in the United States, there has been improvement in the quality of political-party official ethics. In other state or local areas the improvement still leaves much to be desired.

REDEFINITION OF "PUBLIC INTEREST"

The year 1932 marked one of the major turning points in American political history. It was major in the sense that 1896 was, or 1860, or 1828, or 1800.

Figuratively, *The Coming of a New Party* was written during the last minute before midnight of an era which was about to be replaced by another era. Out through the book's pages pour the political frustrations of a man who is of the new world, who can no longer wait for the old to die, but who does not yet know that the old is going to die. In fact, given the nature and intensity of Mr. Douglas' argument, it is likely he did not then even suspect the vast changes which were about to take place.

Perhaps no other work enables the reader to draw a sharper contrast be-

³ Douglas, *op cit.*, p. 171.

tween the political period which ended in 1932 and that which took its place—contrast between an era when some political party officials, along with some businessmen, could join in a loud chorus of “public be damned” and an era when no one in either group would want to be caught whispering such a thought, even though some might still like to think it.

For years, labor had fought for recognition and the right to bargain collectively. Then came the Wagner Act in 1935. Labor got recognition and collective bargaining and much more. Membership in labor unions advanced rapidly. Labor went into politics, with money, campaign and party workers, candidates, and union publications. One of the old worries had been about the ability of labor to hold its own in political competition with business and the farmer. Now there was a new worry, whether business and the farmer could hold their own with labor.

For years, there had been agitation for adequate programs to aid needy persons. Then came the Social Security Act of 1935. That Act and extensions of its concept, including medicare, have changed welfare policy from reliance almost entirely on private charity and public poor laws to a vast system of public social insurance and public assistance. This, in turn, had important political effects. One was the new power of large new groups of social security publics with a direct financial stake in their respective governmental programs. Another effect was to take from city “bosses” one of their most successful tools for building and maintaining their organizations. For social services, the citizen would now look to government rather than to his Democratic or Republican precinct captain.

For years, farm groups had sought direct governmental intervention in the economy in behalf of agriculture. That

kind of help came, on a massive scale, from a whole series of price-support and other acts. Similar changes took place in the areas of conservation and the development of other natural resources where vast new political publics were formed around such governmental functions as the Tennessee Valley Authority and the Bureau of Reclamation programs in seventeen western states. Here, too, there was a direct financial stake in the political process.

Although included in labor, farm, business, and social security publics, Negroes must be identified in a special category. To economic motives for their political responses must be added frustrations of a breadth and intensity commensurate with the depth of the trap which holds them in minority status. The return for political activity of the Negro is economic *and* moral, and, in parts of the South, the first need is as elemental as the right to register and vote.

The Coming of a New Party sought for farmers, laborers, and for “progressive forces,” these kinds of economic benefits. Beyond that, the federal government is today committed to intervention in the economy in an attempt to manage the flow of business cycles, thus eliminating depressions and reducing the intensity and frequency of recessions. These objectives were accomplished through a party system in which Mr. Douglas’ unspeakably bad Democratic party became the majority party, responsive to a whole new set of forces, not excluding business, and in which Mr. Douglas’ equally bad Republican party (now the minority party) also responded to new forces of political power, though obviously not as successfully as did the Democratic party.

One of the dimensions of “loyalty to the public” is a sense of dedication to some concept of “public interest.” The term “some concept” is used because

this is a subject not well designed for the use of absolutes.

The important thing is not a single definition of what is in the public interest. There can be no such all-wise and all-embracing thing. Rather, political party officials (and other public officials) must be dedicated to a continual search for that which they, respectively, believe is in the public interest. The answer of one man or one party might be quite different from the answer of another, but only through this process can we produce a system flexible and responsive enough to make it possible for majorities, with effective leadership, to formulate their own definitions of problems and solutions.

As government has been responsive, it is necessary to note and take steps to counterbalance against being over-responsive. As there may have been overresponse by government and political party to business groups in one period, so is there danger of overresponse in other directions.

Protection of labor or farm groups can go too far for the public interest. Social security systems can result in the destruction of initiative, as well as in the creation of opportunity or provision of help in a time of need. Though the danger is hardly an imminent one, and wronged though he has been and continues to be, there can also be such a thing as overresponse to the demands of the Negro.

The need is for some optimum balance among the requirements of the several groups making up the nation, and between private groups and the nation. Identification of that optimum balance cannot be a science. It represents an art form where the performance must take place in an environment in constant motion and where judgment of any decision must always be an evaluation of a situation which has already gone by.

"Loyalty to the public" demands a serious and conscientious attempt of a party official to provide his own determination of what is best in the public interest. That loyalty should be not alone for the official's political party or his faction of the party (though he owes them loyalty too), but beyond to whatever is the "general public," whether it be the nation or a state or some local unit.

OTHER FORCES PRODUCING CHANGE

The rise of labor as a powerful political force, of various social security publics, of the farmer in a world of price supports, of the Negro in a world of whites, of everyone who feels he has a stake in governmental intervention to maintain prosperity and the privilege of pursuing happiness—these forces, because government became more or less responsive to them, participated in the process of redefining "public interest" in domestic affairs in the United States. These forces and events in the world in the period since 1932 have produced a redefinition of "public interest" in foreign affairs.

Each of these developments, generating force outside government but encouraged and assisted from within, contributed to the creation of a new environment in which political party officials must function. Other developments, generating force inside government but encouraged and assisted from without, have contributed to the same result. One of the latter is the enhanced role for presidential leadership, so different, in fact, that the office of President of the United States as practiced by Lyndon B. Johnson is hardly recognizable as the same office held by presidents, with only a rare exception, prior to 1932.

The Coming of a New Party makes this additional assessment, in reference to Franklin D. Roosevelt, of the pre-

1932 role of presidential power:

It is a sobering thought that twenty years ago many progressives were pinning similar hopes on Woodrow Wilson. Wilson, with all respects to Governor Roosevelt, was a far keener thinker and a more determined fighter than the latter. Seldom indeed has the presidency seen a more skilled or more resolute party leader. And yet after eight years of office President Wilson retired with the Democratic party as cancerous as ever in its composition and as conservative in its policies.*

A president today still has to reckon with officials of his party at the state and local levels. But just as surely, in a way that was not true before 1932, those state and local party officials have to reckon with the president.

The new power of the president has grown while the use of patronage, formerly one of his chief leadership tools, has been denied to him as a weapon of political persuasion. Civil service legislation has brought over 95 per cent of federal employees under a merit system. Working to similar effect have been Hatch Act restrictions on political activities of federal employees. A defensive move by Democratic state organizations to prevent President Franklin D. Roosevelt from building his own party organization in states, the Hatch Act also operated to deprive state party organizations of large numbers of federal employees who were potentially active members for their state organizations.

The president, today, does not require mass patronage to enhance his prospects for leadership. He is better off without it. More than anything else, a president does need to be effective at presentation of national issues and in the conduct of the affairs of his administration. In both presentation of issues and administration, a president's primary responsibility is to the whole nation,

* *Ibid.*

and only secondarily in his responsibility to his political party.

However, he must concern himself with the strength of his party in the several states both with respect to responsiveness to his estimate of public interest and its relation to the balance of pressure-group power, and with respect to his estimate of what should be an acceptable level of personal conduct. That, in turn, will tend to lead the president to intervene, or to consider intervention, in his party at the state or local level. The enhanced power of the presidency has been national in its impact on the many different worlds of state and local party officials.

Beyond this, there has been a ripple effect. Many states have adopted merit systems and have buttressed them with their own "little Hatch Acts." As in the federal government, standards of public administration have been greatly advanced in many states. The same may be said of the administration of justice in the lower courts, and of the administration of state and local elections.

Effective executive leadership on the state and local levels, from governors and mayors, is another important variable. With the elected executive responsible to the whole constituency of a state or of a city, if he is going to stay in office, his appeal must of necessity be broad enough for the requirements of his whole constituency.

The Coming of a New Party was protesting corruption flowing from such practices as political assessments levied against public employees; demanding and receiving money from private sources in return for adoption of public policies; using licensing boards, building inspectors, courts, and police for political purposes; buying out the opposition party if it was weak, or making a deal with it if relatively strong; perpetrating fraud at the polling place

or in counting ballots. These kinds of evils were relatively general in 1932. Mr. Douglas was not alone in his wrath. They had been general before 1932. Perhaps more than any other factor, they had been responsible for the rise of the Progressive movement in the Republican party during the first two decades of this century. They are still too prevalent today, with the degree of goodness or badness varying in response to some combination of the factors discussed above, and others to follow.

RELATION TO PARTY ORGANIZATION AND OPERATION

"Party officials" are individuals who hold party office at any level of political party organization. The vast majority, therefore, will be found at the state and local levels of government. They might range from precinct captain to state chairman.

The intent has been to include, too, the informal organization of individuals who, in fact, exercise party power, though technically they hold no office. Several of the city "bosses" mentioned by Mr. Douglas would be one type of example. Another would be any financial contributor important enough to receive special consideration in the party's decision-making process.

Officials must work in an organization. The nature of that organization and the environment in which it functions becomes another variable. It is closely interrelated with all the others.

The existence or nonexistence of an effective merit system and prohibitions against political assessments of public employees will influence the type of individuals recruited to party office, as well as the conduct of those in office. Membership in one type becomes largely dependent on patronage motivations; in the other, the reasons for involvement must be found elsewhere. The types produced by the two very dif-

ferent systems are very different indeed.

The honesty or dishonesty level in the administration of elections also furnishes important clues with which to describe party organization. In an activity as competitive as this, the participating individuals and organizations tend to strain against whatever are the rules of the game. To the extent that there is opportunity for dishonesty in balloting and in counting the votes, to that extent the party is likely to attract at least some individuals with talents and the taste for whatever is the lowest permissible level of corruption.

Are party nominees for public office chosen by convention, by closed or open primaries, or by some combination? At the convention end of the scale, the powers of the party officials to control tend to be stronger than at the open-primary end of the scale. This, in turn, may affect the type of individual who is recruited to a party and the rate of his progress within the organization.

Whether or not provision is made for direct legislation in the form of the initiative and referendum is still another factor influencing the character of party. The initiative or the referendum represents a route around the executive and the legislature. The type of party official for effective competition in a situation where success depends so much and so often on the reaction of the electorate (as is also true with the direct primary) may be one whose abilities and standards are quite different from those best adapted for success in a Thomas J. Pendergast machine in the Kansas City of his time.

Some fifteen years ago, the Committee on Political Parties of the American Political Science Association, to stimulate discussion about the American political party system, advocated highly centralized national parties, with adequate disciplinary weapons with which to maintain centralized control. The

concept was of a system which would be centralized but which, at the same time, would be internally democratic. The desired level of internal democracy was most unlikely, requiring a type of individual and a sociology of organizations for which practical examples are not abundant. Without such internal democracy, the result could have been the "boss-dominated" centralizations of some city machines of days gone by. Such a system might have tended to reopen opportunities for individual party-official corruption that are not available today.

CONCLUSION

All men are not inherently evil, but in any competitive situation there are

likely to be *some* who will stoop to whatever can get by. The degree of ethical array or disarray will depend in large part, therefore, on the levels of personal conduct and the approach toward the "public interest" which the environment will or will not tolerate.

The environment is made up of you and me, of government and pressure group and political party, of channels of public and private communication, of church and family. Working through these institutions, ours is the responsibility of identifying the standards which we want upheld. Ours is the responsibility for creating situations favorable to the maintenance of those standards, or for enforcing them if not maintained. Ours is the responsibility.

A Report on Judicial Ethics

By GRAY THORON

ABSTRACT: While the ethics of the American judiciary cover a broad spectrum, both good and bad, the general over-all level of judicial ethical performance is relatively high. Most judges are honest and honorable. Where dissatisfaction is apparent, it is far more frequently directed at judicial competence than at judicial integrity and ethics. Corruption, dishonesty, susceptibility to political pressure, and other ethical lapses are, however, not unknown, and on very rare occasions have been extremely bad. The ethical obligations of the judiciary extend far beyond the basic essentials of honesty, impartiality, and fairness. Judges must not only avoid evil or wrongdoing, but must also avoid any appearance or suspicion of impropriety, both on the bench and in private life. Selected ethical problems are identified together with some of the areas where significant ethical lapses are to be found. While our judiciary has done well in meeting its ethical obligations, improvement is still needed. The best assurance for high ethical performance comes from insistence upon outstanding integrity from those selected for judicial office.

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A DEMANDING critic will never be wholly satisfied with the ethical performance of any segment of any society. Our American judiciary, both state and federal, provides no exception. In the area of judicial ethics, we can find, as one would expect, a very broad spectrum of both good and bad. At one end of this spectrum, there are judges of unusual competence, devotion, and integrity, who more than meet our highest aspirations for judicial performance. At the opposite end, there have been (though fortunately only rarely) some outrageously shocking and callous instances of judicial corruption or dishonesty. In between, as most informed observers will agree, we will find for the vast majority of judges a relatively high over-all level of integrity and ethical standards, especially when compared with the situation in so many other areas of American life.

Public satisfaction with judicial performance depends on judicial competence as well as judicial honesty and ethics. Both are essential ingredients for an effective and respected judiciary. To the extent that complaints are directed at the judiciary, they are far more frequently aimed at the professional competence and judgment of those who serve on our courts than at their ethics and honesty. Thus, the general reputation of our judges for honor and integrity appears to be substantially greater than their reputation for ability and learning. There have always been, and still are, a great many thoroughly honorable and honest men on the bench throughout the country. There are, however, far too few distinguished courts and outstanding judges.

Although many suggestions have been advanced for improving the caliber of our judges, no ideal or wholly acceptable solution has yet been proposed. Experience has shown that we get our best judges when those who are responsible

for judicial nominations insist on candidates with strong professional and personal qualifications. The point to be stressed here is that substantially less improvement is needed in the area of honesty and ethics than in the area of professional competence and qualifications.

HONESTY AND CORRUPTION

The most basic question respecting the ethical performance of our judiciary naturally relates to honesty and integrity. How honest are our judges? Of all the ingredients of ethical performance, this is the most fundamental. The general answer to this question must be, as already indicated, a strongly affirmative one. In court after court, trial as well as appellate, state as well as federal, our judges have shown themselves to be on the whole thoroughly honest and honorable individuals, fully deserving of the public confidence in which most courts and most judges are generally held.

This is not to say that individual exceptions do not exist. Corruption and dishonesty, though rare, are not unknown. In a well-known article published in 1931, the late Jerome Frank, a respected and perceptive legal realist, who subsequently served with distinction on the federal appellate bench, bluntly stated: "Crooked judges exist. 'Fixed' decisions are realities."¹ Unfortunately, this observation is still true. One very recent example comes from Oklahoma, where three judges of the Supreme Court of that state were found to have been involved in a bribery situation of the worst sort. This led to the impeachment and removal of one of the judges and to the resignation of another. The third escaped removal from office only because his term on the bench had

¹ Jerome Frank, "Are Judges Human?", 80 *University of Pennsylvania Law Review* 17 (November 1931), p. 34.

expired by the time his wrongdoing became known. Similar instances have on occasion been found elsewhere.

In the same article, Frank also candidly recognized that a few who hold judicial office are subject to some degree of political control, "decid[ing] . . . the way the boss tells [them] to decide."² This is a charge that is heard periodically, especially in areas where relatively corrupt political machines have dominated the process of judicial selection. In evaluating this charge, it is difficult to separate fact from fiction. I have personally discussed the problem with a number of experienced and informed lawyers and judges in whose integrity and judgment I have full confidence. I conclude that though the charge is often made without real justification, there are occasions when it is almost certainly valid. There are judges, though again relatively few, who have so handled themselves as to raise reasonable suspicions that their impartiality and integrity fail to measure up to the standards set by most of their judicial colleagues. Any judge who allows himself to be approached or influenced by a political boss or clubhouse leader with respect to a matter before him, or who unduly favors a party with special political connections, is a disgrace to the bench. There appear to be few such morally deficient individuals currently in judicial office. There should be none.

The observations in the preceding paragraph should not be understood as in any way questioning the honesty and integrity of the great majority of those who owe their judicial office to a dominant political leader. On the whole, judges so selected have not only shown complete independence once they have assumed judicial office, but also a thoroughly acceptable over-all level of ethical performance. Complaints are frequently heard that those responsible for

judicial nominations have tended to allow political considerations to outweigh considerations of judicial fitness and professional merit. Such complaints, however, are usually directed at the level of professional competency of the politically selected candidate and substantially less often at his integrity or honesty.

A basic ethical requirement closely related to honesty is fairness or impartiality. Judges must dispense even-handed justice. This does not, however, mean that every litigant can expect every honest and fair-minded judge to react the same way to any particular matter. Judges with certain backgrounds and experience are prone to have different approaches and sympathies in dealing with certain types of litigation. Such policy-orientation is a fact of life. Areas in which it has played a significant role include the personal-injury field, government regulation of business, civil liberties, matrimonial law, and the administration of criminal justice.

Ordinarily, such differences in approach or sympathy involve no ethical lapse or inadequacy. The issues which judges must resolve are often complex and novel. Closely balanced competing policy considerations, each fully supported by a line of well-reasoned and persuasive precedents, may be available to justify a decision either way. Chief Justice John Marshall, in the early days of our federal judiciary, championed one judicial philosophy, and his successor Chief Justice Roger Brooke Taney another. Similarly, different judges today can be expected to react in different ways to matters of current legal controversy. All that we can ask of each judge is that he make his decision within the framework of our legal system, and as honestly, fairly, and conscientiously as he can. It is possible, however, that particular views or prejudices may be so strongly or passionately

² *Ibid.*, p. 34.

held as to make the holder unfit for judicial office. Men of strong prejudices do not normally make good judges. The problem with such individuals would usually be one of judicial fitness and temperament, rather than a matter of honesty and integrity.

CANONS OF JUDICIAL ETHICS

The ethical obligations of the judiciary obviously extend far beyond the basic essentials of honesty, impartiality, and fairness. It is not enough that judges avoid evil. They must also so regulate their conduct, both on and off the bench, as to avoid any appearance of evil or impropriety. Our courts would be rapidly brought into disrepute if either the legal profession or the general public should fail to have confidence in the integrity and impartiality of those who hold judicial office. Such confidence can only be earned and maintained if the conduct and reputation of our judges are beyond reproach. Suspicion of judicial impropriety can likewise seriously undermine public confidence in our courts and judges. Thus, conduct which tends to give rise to such suspicions must also be avoided.

High standards of professional morality and ethics stem primarily from individual conscience, and not from legislation. Nevertheless, most professions have found it desirable to formulate codes of acceptable professional conduct. Such codes involve no reflection on the honesty and integrity of those they seek to guide. Rather they recognize a strong professional ethical obligation to meet standards substantially in excess of mere avoidance of dishonesty or illegality.

Two such codes of general application have been developed by the legal profession. In 1908 the American Bar Association approved its first Canons of Professional Ethics, following the lead of certain state bar associations which had promulgated such codes in the period

between 1887 and 1906. In 1924, the American Bar Association approved its Canons of Judicial Ethics. The Committee which drafted the Canons for the judiciary was composed of both judges and lawyers, with United States Chief Justice William Howard Taft as its chairman. As their preamble states, the spirit of these Canons should provide "a proper guide and reminder for judges," and indicate "what the people have a right to expect" from the judiciary. These Canons deal not only with the ethics of judicial performance on the bench, but also with what is expected of a judge as regards conduct in everyday private life.

In evaluating the degree of adherence to the Canons of Judicial Ethics, it is helpful to refer at the outset to a 1952 report, prepared by Judges Orie L. Phillips and Philbrick McCoy as part of an extensive survey of the legal profession conducted under the auspices of the American Bar Association. With respect to judicial conduct, this report began the summary of its conclusions as follows:

The answers as a whole [to a comprehensive questionnaire dealing with judicial selection and judicial conduct], and the general comments in particular, indicate the healthy condition of the Bench throughout the nation, when measured by the adherence of the judges to the Canons of Judicial Ethics which formed the basis for our inquiry. Judges are human, and it is perhaps to be expected that there should be some deviations in every State. While the Committee did not take a judicial census, the impression is strong that, in proportion to the total number of judges in all states, there are relatively few who fail to adhere to their oaths of office or to faithfully discharge their judicial obligations.³

At the same time it was recognized that in certain areas, there appeared to be

³Orie L. Phillips and Philbrick McCoy, *Conduct of Lawyers and Judges* (Los Angeles: Parker & Company, 1952), p. 151.

"flagrant" disregard of the Canons "in too many particulars," especially as a result of "political pressures." Improvement in judicial conduct was referred to as an "imperative need" where such lapses existed.⁴

JUDICIAL PERFORMANCE

One important area in which ethical performance is not always all that it should be involves the matter of dignity, restraint, patience, and good manners. The Canons of Judicial Ethics wisely admonish each judge to be temperate, patient, considerate, and courteous and to make it his duty to see that court proceedings are conducted with fitting dignity and decorum. Nevertheless, some otherwise fine and competent judges have been notorious for their lack of patience, sarcasm, intemperate outbursts, or harassment of counsel. Such conduct may well be a normal human response to the pressures of a difficult trial or an overcrowded calendar, or to some apparent or actual impropriety or inadequacy on the part of counsel. No matter how strong the provocation, judicial behavior of this kind is always regrettable. Bad manners, sarcasm, lack of civility or restraint, and intemperance of utterance have no place on the bench under any circumstances. Such conduct tends to interfere with the fairness of the proceeding in which it occurs, and in a number of instances has been a cause for reversal on appeal. It also reflects adversely on the judicial temperament of the judge in question, and will tend to undermine confidence in his impartiality and fairness.

Bad manners and lack of patience on the part of the judge are but one aspect of the broader problem of maintaining courtroom dignity and decorum. The way in which the judge handles himself necessarily has a vital impact on the

atmosphere and tone of any trial over which he presides. If the judge lacks dignity, so will the trial. The judge who permits a circus atmosphere in cases before him, or who reaches for personal publicity, is properly subject to strong condemnation. Wherever there is a loss of dignity, there is less public respect for the fairness and integrity of the judicial process. The Ruby trial in Dallas provides an unfortunate recent illustration of a case where the judicial handling of the trial appears to have fallen somewhat short of the standards called for by the spirit of the Canons.

A related matter, which is a subject of great current controversy, involves the propriety of televising trials. Canon 35 condemns this practice as involving improper publicity, destructive of the essential dignity and fairness of the trial process. The United States Supreme Court, by a five-to-four vote, in the recent Billie Sol Estes case held that the televising of the Estes trial operated to deprive Estes of his constitutional right to a fair trial,⁵ thereby giving added support to the policy of Canon 35 in protecting the dignity and fairness of the judicial process.

The Canons also properly stress the importance of judicial industry, promptness, attentiveness, and diligence. Instances come to mind of judges with poor and undisciplined work habits. There are judges who are notoriously and needlessly slow in deciding some of the matters which come before them. There are also observable differences in the degree of diligence shown by different judges. Habitual lack of punctuality is likewise specifically condemned by the Canons. With some exceptions,

⁵ *Estes v. Texas*, 381 US 532 (1965). The Judicial Canons of the Texas Bar differ in various respects from those of the American Bar Association. Under the Texas Canons, the matter of televising and photographing trials is left to the sound discretion of the trial judge.

⁴ *Ibid.*, p. 151.

the bench appears to meet well its obligations in these respects. This is not to say that judicial minds may not on occasion wander when some verbose or inept lawyer makes a confused or otherwise inadequate or dull presentation. I am personally acquainted with a substantial number of judges in many different states. A very substantial majority of those I know, or whose work I have had the opportunity to observe, are conscientious, hard-working, and thoroughly dedicated to meeting their judicial obligations to the best of their ability.

JUDICIAL DISQUALIFICATION

The problem of judicial disqualification arises periodically and has obvious ethical implications. There are certain instances where all agree that it would be totally inappropriate for a judge to hear some particular matter. No judge should act on a controversy in which he has a direct financial interest or in which a near relative is a party. Canons 13 and 29 so provide, as do many statutes. Other instances, however, are not so clear. It appears to be generally customary for a judge to disqualify himself if he owns stock in a corporation which is a party to a case before him. If his stockholding is very small and in a very large corporation with thousands of stockholders, his financial interest in the outcome of the case may be so small as not to require disqualification, particularly where it would be difficult or impossible to find a substitute judge. Harder problems arise in cases where a relative, or former partner or firm, or a close friend whose hospitality the judge has frequently enjoyed, appears as a party or counsel in litigation before the court on which the judge sits. Former clients who appear as parties present a similar problem.

There is no easy answer to many of the borderline problems in this area. The solution in each case is customarily

left to the individual judge's sense of propriety, with the solution differing somewhat from judge to judge. Sometimes a judge's decision not to disqualify himself gives rise to controversy, as in at least one well-publicized instance involving a highly respected member of the United States Supreme Court who decided not to disqualify himself when a former partner appeared in a case before that court.⁶ The principal criticism there came from one of the other judges on that court. The answer should depend on a balancing of the following factors: the judge's assessment of his own ability to retain his objectivity and impartiality, custom, the apparent degree of public belief that the judge's decision would not be affected by the specific relationship, and the availability of a substitute judge. Where no substitute judge is conveniently available, the rule of necessity may properly lead the judge to decide against disqualification.

References have previously been made to the political pressures to which the judiciary may find itself subject. Probably more frequent than attempts to control specific decisions are dictation or quasi-dictation with respect to patronage matters. Judges have occasion to appoint trustees, receivers, masters, referees, special guardians, and the like to aid in the administration of justice. In some areas these patronage appointments have tended to be used politically, and have not always gone to those best qualified by reason of ability or character. There have likewise been instances of excessive judicial liberality in awarding fees and allowances to such appointees. Such practices are strongly

⁶ See John P. Frank, "Disqualification of Judges," 56 *Yale Law Journal* 605 (April 1947). Professor Frank's article contains a very helpful analysis of the problems of judicial disqualification and detailed information as to the disqualification practices of judges throughout the country.

condemned by Canon 12, but, nevertheless, still occur. Another practice involving substantial abuse has been the appointment of unqualified law clerks by some judges in response to political pressures, a practice which neither improves the efficiency of judicial performance, nor creates confidence in the integrity of the judicial process.

A very difficult ethical problem has recently been perceptively and candidly discussed by Justice Charles D. Breitel of the New York Judiciary.⁷ This is the problem of the judge who without the least improper motivation concludes that justice in a particular case can only be achieved by departing to some extent from the result which would be required if generally accepted legal principles were applied. As Judge Breitel puts it: "The judge knows that he is powerless to do in law what he wants and intends to do, for the sake of a justice he subjectively conceives and desires to achieve." Stated another way, is it "ever right to pursue the end even if the means are traditionally unavailable."

In its crudest form judicial excess, especially at the trial level, may be accomplished by distorting the findings of facts, not too much, but enough so that the applicable rules of law will meet the needs of justice as the judge conceives them. Sometimes it will involve no more than avoiding a statement in an opinion of the real reasons for one's conclusions, thus leaving completely obscured the findings of fact or applicable rules of law on which the determination depends. This is subjectivism, no matter how sincere, at its worst.⁸

The traditional answer to this problem is found in Canon 20, where the judge is admonished

⁷ Charles D. Breitel, "Ethical Problems in the Performance of the Judicial Function," *Conference on Judicial Ethics*, University of Chicago Law School Conference Series, No. 19, October 22, 1964 (Chicago: University of Chicago, 1965), pp. 69-73.

⁸ *Ibid.*, pp. 69-70.

that his duty is the application of general law to particular instances, that ours is a government of law and not of men, and that he violates his duty as a minister of justice under such a system if he seeks to do what he may personally consider substantial justice in a particular case and disregards the general law as he knows it to be binding on him.

Many strong judges are not wholly satisfied by this traditional answer in individual cases where they believe that an obvious injustice would otherwise result.

THE JUDGE'S PRIVATE LIFE

The judge's ethical obligation is not limited to what he does on the bench. The Canons of Judicial Ethics properly recognize that the judge's personal behavior in everyday life and in his non-judicial activities may be a matter of public concern. For example, there would be little respect for, or confidence in, a member of the judiciary who was a known alcoholic, or a corespondent in a divorce action, or a flouter of traffic laws, or who cultivated friendships with and accepted hospitality from suspected racketeers or women of doubtful morals. As Canon 4 states:

A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach.

Such obligations are broadly recognized by judges everywhere. While private scandal in judicial life is not unknown, it is certainly rare. Perhaps the most observable deviations arise from the injudicious use of alcohol, but even such cases are not too frequent.

No matter how active politically a judge may have been before his elevation to the bench, he should thereafter totally dissociate himself from all partisan activity. Canon 28 lays down clear

guidelines. He must avoid making political speeches, making or soliciting contributions to party funds, endorsing candidates for public office, participating in party conventions, or serving on any party committee or as a party leader. As this Canon states:

While entitled to entertain his personal views of political questions, and while not required to surrender his rights or opinions as a citizen, it is inevitable that suspicion of being warped by political bias will attach to a judge who becomes the active promoter of the interests of one political party as against another.

These standards have certainly been effective in some areas, but not everywhere, in reducing significantly the degree of public participation by judges in partisan political activity. Their spirit, however, has not always been met as completely as it should be. In New York, for example, the Presiding Judge of the Court of Claims resigned his post several years ago to become Republican State Chairman. Now it is reported that he is under consideration for re-appointment to the court of which he was formerly a member. Such shuttling between judicial and political office is not to be encouraged.

Another area in which abuses sometimes occur is where the judge uses his office as a springboard from which to run for some elective nonjudicial office. In some states, this practice is more widespread than in others. Canon 30 states that should a judge

decide to become a candidate for any office not judicial, he should resign in order that it cannot be said that he is using the power or prestige of his judicial position to promote his own candidacy or the success of his party.

In most states, this Canon is pretty generally honored, but again not completely. The most publicized example

of a judge who flouted this Canon was the late Senator Joseph R. McCarthy, who ran for the United States Senate in 1946 while continuing to hold his position as a Wisconsin circuit judge.

Judges also have special ethical obligations with respect to financial matters and business ventures. For example, Canon 26 admonishes judges not to make personal investments in enterprises which are apt to be involved in litigation before their court and to liquidate any such investments which may have been made prior to the judge's elevation to the bench. This Canon also condemns the use of information coming to him in a judicial capacity for speculative purposes, and speculation in securities by buying on margin. Part-time judges, who are not forbidden to practice law, are alerted by Canon 31 to be scrupulously careful to avoid conduct in their practice by which they might appear to be utilizing their judicial position to further their professional success. It would be totally inappropriate, for example, for such a judge to practice before other judges in a court of which he himself is a member. Judges must also make special efforts not to live beyond their means and to avoid, as far as possible, going into debt. As with most other aspects of judicial ethics, the judiciary generally appears to honor these obligations.

In this survey, it has not been possible to do more than to identify briefly some of the more important ethical problems which face the judiciary and to try to indicate a few of the areas where significant ethical lapses are to be found. On the whole, the performance of our judiciary in meeting its ethical obligations has been good. It can, however, be improved. In the final analysis, high ethical performance comes from insistence upon outstanding integrity from those selected for judicial office.

The Ombudsman: Tribune of the People

By HENRY S. REUSS and STANLEY V. ANDERSON

ABSTRACT: The Ombudsman is an agent of parliament who receives and may investigate citizens' grievances against bureaucracy. His powers are to recommend, to publicize, and to report to parliament. The institution began in Sweden and has been adopted or considered by many other countries. There is widespread interest in the Ombudsman because the institution meets a general need in modern, industrialized nations for a means of resolving citizens' unique, individual problems with a depersonalized administration. The courts, which are slow and costly, do not provide adequate means of redressing citizens' personal grievances. In the United States, congressmen have an Ombudsmanlike role in investigating and trying to solve constituents' problems. But this job—called "casework" on Capitol Hill—is so burdensome that it interferes with congressmen's more important legislative and policy-making functions. Congressman Reuss has proposed establishing an Administrative Counsel, inspired by the Ombudsman, to take over a part of the "casework," thereby lightening the burden on congressmen and aiding citizens more effectively. The Chairman of the Administrative Conference may also function as a kind of Ombudsman. California and other states and cities are considering establishment of Ombudsmen.

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WE promised another freedom to our people at election time, that we would set up a citizens' appeal authority, an Ombudsman, to which any aggrieved citizen——"

Honorable Members: "Ha-ha!"¹

Such was the response which Prime Minister Keith Holyoake received from the New Zealand House of Representatives in June 1961, when he referred to the Ombudsman plank contained in the National Party's platform for the 1960 general elections.

The members' outburst was directed at the name "Ombudsman," rather than at the concept. But when the debate was completed and the measure finally adopted in September 1962, the members agreed that "there shall be appointed, as an officer of Parliament, a Commissioner of Investigations, to be called the Ombudsman." And the man chosen by Parliament to fill the office, Sir Guy Powles, a distinguished jurist, diplomat, and administrator, styles himself "Ombudsman," rather than "Commissioner." New Zealand's adoption not only of the institution but of its outlandish title was symbolic of the great prestige the Ombudsman has won as a defender of individual rights.

ORIGIN IN SWEDEN

The institution originated in Sweden 155 years ago. In Swedish, "Ombudsman" means "agent" or "representative." Similar offices were set up in Finland (1919), Denmark (1955), and Norway (1963).² Separate Ombudsmen for Military Affairs were created in Sweden (1915), Norway (1952), and West Germany (1956). (In 1965, the

Swedish Military Ombudsman was merged again with the office of Civil Ombudsman.) Related institutions exist in India, Japan, Nepal, and the Philippines.

Ombudsman proposals are currently under consideration in Australia, Canada, Great Britain, Ireland, Holland, and the United States. In 1965, Ombudsman bills were introduced in the legislatures of California, Connecticut, Illinois, New York, and Utah, as well as in the New York City Council, and companion bills were dropped into the hoppers of the United States Congress by Congressman Henry S. Reuss (H.R. 4273) and Senator Claiborne Pell (S. 984), proposing the establishment of an Administrative Counsel of Congress, modeled after the Ombudsman.

The literature on the Ombudsman is extensive. A bibliography of English-language materials alone fills seven typewritten pages.³ Articles have appeared in such widely read publications as *The New York Times Magazine*,⁴ *The New Yorker*,⁵ and the *Reader's Digest*.⁶

What is this Ombudsman?

Drawing a composite picture, the Ombudsman is appointed by the legislature for the term of office of that body. He is eligible for reappointment, and may

³ "The Ombudsman: A Bibliography," published by the Northern California Friends Committee on Legislation, San Francisco, February 1965.

⁴ Henry S. Reuss, "An 'Ombudsman' for America," *The New York Times Magazine*, September 13, 1964, pp. 30, 134-135, reprinted in the *Congressional Record*, September 23, 1964, pp. 21839-40, and in Joseph S. Clark (ed.), *Congressional Reform: Problems and Prospects* (New York: Crowell, 1965), pp. 292-297.

⁵ John Bainbridge, "A Civilized Thing," *The New Yorker*, February 13, 1965, pp. 136-151.

⁶ George Kent, "Where You Can Fight 'City Hall,'" 103 *The Rotarian* (July 1963), pp. 38-40, condensed as "Watchdog for the Common Man," *Reader's Digest* (August 1963), pp. 82-85.

¹ *Parliamentary Debates*, N.Z. (1961), p. 96.

² See Stanley V. Anderson, "The Scandinavian Ombudsman," 12 *The American-Scandinavian Review*, No. 4 (December 1964), pp. 403-409. Upon request, the author will supply reprints of this survey article.

be discharged by parliament, though parliament may not interfere in his handling of individual cases. The Ombudsman has great discretion in deciding what matters to investigate. He receives citizens' complaints and makes announced and unannounced inspection tours. He may take matters up of his own volition. Finally, the Ombudsman may compel testimony and the production of evidence.

THE OMBUDSMAN'S POWER

While the Ombudsman has no power to alter the results of an administrative decision, changes are sometimes made when he commences an investigation or upon his final recommendation. The only sanction which the Ombudsman can impose is censure. The Ombudsman must extend an opportunity to be heard to anyone whom he intends to reprimand. The Ombudsman may suggest that disciplinary action be taken by an agency, following established procedures of notice and hearing, or he may recommend that the regular prosecuting authorities institute criminal charges.

The Ombudsman is free to suggest changes in rules and regulations to the administrative agencies, and may also propose remedial legislation to the parliament, usually in his annual report. He makes available to the press the results of his investigations when he deems it advisable.

The office of Ombudsman is quite small, composed of half-a-dozen attorneys and a corresponding number of secretaries. It would not do to create a parabureaucracy; this would merely superimpose a new layer of officials on top of those we already have. The Ombudsman is alerted by squeaking wheels—citizens' grievances and newspaper reports—and must rely in the first instance on the agencies under investigation to supply the facts he needs

to judge the merits of the complaints he receives. The New Zealand Ombudsman has stated that he could not function without the co-operation of the bureaucracy.

Fortunately, this co-operation is almost invariably forthcoming. Civil servants welcome the opportunity to have unfounded complaints identified as such. The majority of the complaints which the Ombudsman receives are without merit. Often, the complainant is laboring under a mistake of fact or law, which the Ombudsman's reply can clarify for him. Furthermore, government employees are among those who may complain to the Ombudsman when they have grievances about working conditions. At the top, supervisory officials welcome the information which the Ombudsman may supply on the operation of the lower echelons.

THE NEED FOR THE OMBUDSMAN

Why all this interest in the Ombudsman?

The organization of the modern, positive state requires depersonalized administration. Government can be accomplished only through directives laid down by rulemakers who are several layers removed from the people ruled.

The citizen is faced with a vast, and often bewildering, panoply of statutes, regulations, and ordinances applied by an overlapping array of judges and bureaucrats.

All the industrialized nations are confronted with the conflict between the demands of society and the desires of individuals, between the need for general rules and practices of administration and the peculiarities of particular cases.

Totalitarian government resolves the problem by endeavoring to crush individuals who stand in the way of the state and the arbitrary application of its *ukases*. Indifference to the individual is justified by reference to a mil-

lennial future, in which "each will receive according to his needs."

In democratic societies, there must be unceasing adjustment of the relation between individuals and society.

Through representative government, the society's highest legislative and administrative authorities are responsible to the people. The President of the United States, governors, congressmen, state legislators, county supervisors, city councilmen, district attorneys—these are all elected officials. Individuals have their vote to make their interests and desires felt in legislation and administration.

Powerful nongovernmental organizations have arisen which represent individuals by classes—as industrial workers, as bankers, as gun-club members, or whatever. Trade unions, large corporations, interest-group associations—these are the bodies who have the weight to influence the policies of government.

DEALING WITH INDIVIDUAL PROBLEMS

But neither the ultimate control of public officials through the electoral process nor widespread participation by citizens in influential nongovernmental organizations meets fully the need of individuals with unique, personal problems with the government.

When the great nongovernmental organizations deal with the government, it is usually over general problems and broad questions of public policy. But what of the man in the street? "When two elephants fight, it is the grass that suffers."⁷

Moreover, the officials with whom the public most frequently comes into contact are not elected. They are adminis-

trators who have the tenure in office which is needed to operate a merit civil service and to provide the expertise required to run a modern government.

The citizen with an individual problem has recourse to the courts. The courts are the final guardians of the Bill of Rights, protecting the individual's freedom of speech, privacy, movement, and assembly. Judges can pass also on the legality of administrative action. But judicial remedies are slow and costly. They can be applied to the multifarious activities of the positive state only at the cost of swamping the courts and paralyzing the bureaucracy.

COUNTERWEIGHTS TO BUREAUCRATIC POWER

Bureaucratic ills may be susceptible to bureaucratic solutions—a bit of the hair of the dog that bites. Attempts to provide such solutions are many. In 1964, for example, Liaison Officers for Consumer Affairs were set up in a number of federal departments and agencies.⁸ California has a consumer counsel, to represent

the public interest at legislative, regulatory, and administrative proceedings to balance against the highly paid spokesmen of industry.⁹

Civilian police review boards have been established in Rochester, New York, and Philadelphia, Pennsylvania. Last March, an Alleged Official Misconduct Section¹⁰ was set up in the Los Angeles District Attorney's office.

Examples could be multiplied: legal-aid societies, public defender systems, Better Business Bureaus—all of these

⁸ "Government Aids to Consumers," *Consumer Reports* (December 1964), pp. 259-265.

⁹ *Ibid*, p. 264.

¹⁰ A name which surely would warrant another "ha-ha" if it had been presented to the New Zealand Parliament.

⁷ An African proverb, taken from Cecil V. Crabb, Jr., *The Elephants and the Grass: A Study of Nonalignment* (New York: Frederick A. Praeger, 1965).

are governmental or quasi-governmental operations, designed to equalize the weight of the individual against the organized forces of society.

Because the individual carries little weight against the vast power of the bureaucracy, the government must lend its weight to him, using the force of government to restrain and humanize government.

Clearly, what is needed is an institution responsive to citizens' problems which can control bureaucracy without stifling bureaucracy, allow necessary discretion without permitting capriciousness, reward promptness, courtesy, and efficiency by singling out delay, rudeness and bumbling, and ensure fairness by uncovering bias and error.

THE SUCCESS OF THE OMBUDSMAN

Judging by the experience of the Scandinavian states and New Zealand, the Ombudsman is extraordinarily well suited to foster these ends.

Primary responsibility for good government must rest with honest and intelligent officials. But even the very best of bureaucracies administering the best laws will suffer the flaws which arise from sheer size and human foible. A successful Ombudsman will reduce malfunction by his very presence and through the reforms which he inspires. But he will not put himself out of business until administrators become philosopher kings.

Under the American system of separation of powers, state and federal legislatures make laws, or delegate the power to do so, and executive officers carry them out. To complete the circle, the legislators are supposed to check on the executive in order to ensure that the laws are enforced properly. The vastness and variety of modern bureaucracies make this an extremely demanding task.

THE IMPORTANCE OF CASE WORK

Individual legislators are striving to fulfill this role, not least in the United States Congress. On the basis of extensive interviews and round-table discussions with nearly a score of Representatives from each political party, the author of a Brookings Institution study notes:

Probably the most important mail [received by a congressman] is the "case" mail. . . . Denied a favorable ruling by the bureaucracy on a matter of direct concern to him, puzzled or irked by delays in obtaining a decision, confused by the administrative maze through which he is directed to proceed, or ignorant of whom to write, a constituent may turn to his congressman for help . . . A person who has a reasonable complaint or query is regarded as providing an opportunity rather than as adding an extra burden to an already busy office. The party affiliation of the individual even when known to be different from that of the congressman does not normally act as a deterrent to action.¹¹

No systematic study has been made of the number and kind of constituent complaints. During the first nine months of 1961, Senator Vance Hartke reports that he

had 300 inquiries from people from Indiana who work for the Federal Government and wanted assistance with something pertaining to their jobs . . . handled 709 [service and veteran] problems . . . assisted 261 Hoosiers with social security problems, 27 with draft board problems, 18 with railroad retirements, and . . . 61 immigration cases who could be helped within the framework of the present law.¹²

¹¹ Charles L. Clapp, *The Congressman: His Work as He Sees It* (Garden City, N.Y.: Doubleday, 1954), p. 84. The title of this excellent work calls to mind the jibe of Adlai Stevenson at a reunion with a prominent classmate: "Well," he said, "we have both gone out to do the Lord's work, you in your way, and I in His."

¹² *Congressional Record*, October 16, 1961, pp. A8204-05, excerpted in Norman C. Thomas

"HUMANIZING THE BUREAUCRACY"

To handle this casework, as it is called on Capitol Hill, and to do the other work of a congressional office, House members have approximately ten staff members and senators have thirty or more. Lawmakers throughout the world undoubtedly perform a similar function—in Great Britain it is referred to as "constituency surgery"—but probably nowhere is the volume as great as in Washington, D.C. "Write your congressman!" is a byword of the American political vocabulary.

As one of the authors has pointed out elsewhere:

Thousands of citizens' complaints and problems flow into congressional offices every year. . . . Legislators and their staffs spend a large part of their time investigating such problems, urging correction of apparent injustices and errors and explaining to the citizens a bureaucracy that is often too wrapped up in jargon to explain itself. . . . This congressional role has been important in humanizing the bureaucracy and in making it responsible. . . . It helps to have [the actions of civil servants] watched by a Member of Congress who has to answer to the people every two or six years; he is sure to prod them toward the best possible administration of the laws. . . . So the United States, in a sense, already has not only one but 535 Ombudsmen in its 100 Senators and 435 Representatives.¹³

CONGRESSMEN'S TIME

This would all be well and good if it were not for one major drawback: casework distracts the congressman and his staff from their primary legislative function. While still a member of the

House of Representatives, the late Senator Estes Kefauver described a sample workday of fifteen hours, in which actual sessions of the House and his two committees lasted about seven hours. After taking care of constituent visits and requests, time for studying pending legislation had to be squeezed in between 7:00 and 8:45 A.M., during lunch-time, and after midnight!¹⁴

Recognition of these conflicting demands on the legislators' time underlies the previously cited Reuss-Pell bill which is now before the Congress. It reads, in part, as follows:

Section 2. The Congress hereby finds and declares that the increasing complexity of the Federal Government has created difficulties on the part of private citizens in dealing with the Government, that there is a clear need for the Congress to be informed of the nature of such difficulties, particularly those of a recurrent nature, in order that remedial legislative action may be taken, and that, under existing procedures, such information is only sporadically available and frequently is inadequately developed or fails entirely to reach the appropriate legislative committees. The Congress further finds that the necessary and proper efforts of its individual Members to deal with these problems have increasingly become so burdensome as to constitute a serious impediment to the discharge of their other legislative duties.

THE ADMINISTRATIVE COUNSEL

Consequently, the bill provides for the establishment of an Administrative Counsel of the Congress, to be appointed for the two-year term of a given Congress by the Speaker of the House and the President pro tempore of the Senate. Under the Reuss bill, the Counsel is to

and Karl A. Lamb, *Congress: Politics and Practice* (New York: Random House, 1964), pp. 42-43.

¹³ Henry S. Reuss, "We Need an American Ombudsman," *Christian Century*, March 3, 1965, pp. 269-271, reprinted in the *Congressional Record*, March 15, 1965, pp. A1165-66.

¹⁴ Estes Kefauver and Jack Levin, *A Twentieth-Century Congress* (New York: Duell, Sloan & Pearce, 1947), p. 194, excerpted in John P. Roche and Leonard W. Levy (eds.), *The Congress: Documents in American Government* (New York: Harcourt, Brace & World, 1964), pp. 204-208.

receive the same pay as a congressman, and is given the investigatory powers of a congressional committee, excluding the right to issue subpoenas.

The duties to be assumed by this new office are specified in Section 4 of the bill:

Upon the request of any Member of either House of Congress, the Administrative Counsel shall review the case of any person who alleges that he believes that he has been subjected to any improper penalty, or that he has been denied any right or benefit to which he is entitled, under the laws of the United States, or that the determination or award of any such right or benefit has been, is being, or will be unreasonably delayed, as a result of any action or failure to act on the part of any officer or employee of the United States other than [the President, congressmen, judicial officers, and officials of the District of Columbia]. . . . Upon the completion of his review, he shall report his conclusions and recommendations, if any, to the Member or committee by whom the claim was referred.

Finally, the Counsel is authorized in Section 7 to make interim reports to Congress "on any occasion when he deems such action appropriate to carry out the purposes of this Act," and is directed to submit an annual report to Congress:

Such report shall summarize his activities, shall include reviews of those individual cases which, in his judgment, should be brought to the attention of the Congress, and shall set forth such recommendations for legislation or further investigation as he may deem appropriate.

ADVANTAGES AND ORIGINS

The Counsel would have other advantages besides that of allowing members of Congress to devote more time to legislative and policy matters.

With a small staff of experts, the Counsel could do a better job than members of Congress in protecting citi-

zens' rights. As it is now, members of Congress and the men-of-all-work on their staffs must be generalists who find themselves at a distinct disadvantage in dealing with the Administration's experts. Centralizing congressional "case-work" in the Counsel would be far more efficient and less costly than indefinite expansion of the 535 individual congressional office staffs.

While the Ombudsman idea inspired the proposal for an Administrative Counsel, the Counsel also parallels existing American institutions. In the Offices of the Legislative Counsel and in the Legislative Reference Service of the Library of Congress, Congress has given itself the advantages of expert, centralized assistance in legislative drafting and research, respectively. During 1964, for example, the Legislative Reference Service's 150 experts responded to 105,000 congressional inquiries.

Congressional oversight does not, of course, relieve the Executive branch of the responsibility to keep its own house clean. A new broom was created on the executive side in 1964, through the establishment by Congress of an Administrative Conference of the United States, composed of the head or deputy of each executive department and independent regulatory board or commission, as well as of lawyers and scholars appointed by the President or the Chairman of the Conference.

The Chairman of the Administrative Conference might function as a kind of Ombudsman himself. He is empowered "to make inquiries into matters he deems important for Conference consideration, including matters proposed by persons inside or outside the Federal Government." The grievances of private citizens would fall under this blanket, as would the information and recommendations supplied as public documents by an Administrative Counsel of the Congress.

STATE PROPOSALS

Meanwhile, at the state level, the more manageable size of populations would seem to permit a more direct implementation of the Ombudsman concept. Three of the largest states and two of the smallest are working in that direction.¹⁵ In the 1965 session of the California Legislature, for example, Speaker Jesse M. Unruh introduced Assembly Bill No. 2956, providing for the establishment of an office of Ombudsman. Speaker Unruh has also called for the creation of a nine-man Citizens' Advisory Committee "to investigate the feasibility of incorporating into the structure of the state government an official similar to the Ombudsman."

All of these proposals—state and federal—are signs of widespread concern with individuals' rights and individual

justice in administration. This concern is a wholesome sign. It should not exhaust itself, however, in righteous indignation or hopeless resignation. Rather, concern should lead to continuing appraisal of the adequacy of our political institutions to the needs of man in an increasingly depersonalized society. Appraisal, in turn, should lead to carefully tailored proposals for specific reform.

Article I of the Bill of Rights of the United States Constitution directs:

Congress shall make no law . . . abridging . . . the right of the people . . . to petition the Government for a redress of grievances."

If this guarantee is to be meaningful, we must ensure that the channels of communication are kept open and effective. The voice of the ordinary citizen must be selectively amplified in the halls of Congress and the state legislatures. Adaptations of the Ombudsman give promise of high fidelity.¹⁶

¹⁵ See Stanley V. Anderson "The Ombudsman: Public Defender Against Maladministration," 6 *Public Affairs Report*, No. 2 (April 1965). This is the Bulletin of the Institute of Governmental Studies, University of California, Berkeley. The Institute is carrying out a study of the suitability of the Ombudsman institution for adaptation in California.

¹⁶ A lengthy symposium on the Ombudsman appeared in Canada after this article was written. It is Donald C. Rowat (ed.), *The Ombudsman: Citizen's Defender* (Toronto: University of Toronto Press, 1965.)

What Can Be Done about Pettifoggery and Legal Delays?

By GLENN R. WINTERS

ABSTRACT: The American legal profession got its start under a cloud of public disapproval in part inherited from England, which resulted in low standards of legal education and tardiness in establishment of effective professional organizations, canons of ethics, and disciplinary procedures. Commendable progress has been made on these fronts, especially since the early years of this century, but more remains to be done. Ethical and disciplinary problems of lawyers today chiefly involve mishandling of funds, solicitation of legal business, and improper trial practices, including use of delay. Important remedial measures now needed include more adequate attention to ethics and professional responsibility in law school, further adoption of the principle of the unified state bar, revision and uniformity in the canons of ethics, and adoption of various specific measures against delay in court, along with more control of trials by better qualified judges and refusal of clients to request or condone sharp practices by their attorneys.

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THE ethical and disciplinary problems of the American legal profession may be traced in considerable measure to the circumstances under which the profession got its start in this country. It is well known that one of the major reasons for emigration from England to America was dissatisfaction with the Church of England; it is not so well known that there was probably an equal unhappiness over the English legal profession at that time.

Titles of pamphlets published in England in the 1600's gave a clue to popular sentiment of that time: "The Downfall of Unjust Lawyers," "Doomsday Drawing Near With Thunder and Lightning for Lawyers," "A Rod for Lawyers Who Are Hereby Declared Robbers and Deceivers of the Nation," and "Essay Wherein Is Described the Lawyers, Smugglers and Officers Frauds."¹

In the new world, the colonists set up churches according to their own pattern, and they determined to do without lawyers entirely, relying on the clergy for temporal as well as spiritual counsel. As this proved impossible, lawyers gained a reluctant and grudging place in society.

"In every one of the Colonies," says Charles Warren, "the lawyer or attorney was a character of disrepute and of suspicion. In many of the Colonies, persons acting as attorneys were forbidden to receive any fee; in some, all paid attorneys were barred from the courts; in all, they were subjected to the most rigid restrictions as to fees and procedures."²

This unpopularity of the legal profession hampered its growth and development in two ways that affected the ethical standards and conduct of lawyers. It inhibited the establishment of law schools so that "reading law" in

a practicing attorney's office remained the only means of legal education for generations, and it inhibited the organization of bar associations, which did not begin to make their appearance until late in the nineteenth century. Without formal provision for inculcation of high professional ideals into the law student and without an effective organization to foster an *esprit de corps* and to deal with ethical infractions, it is not surprising that the leaders of the profession in past generations made slow progress in their struggle to overcome pettifoggery and generally low professional standards. The rise of the American legal profession from its low beginnings came in four stages—the rise of the law schools and the elevation of standards of legal education and admission to the bar; the development of bar associations as effective professional organizations; the formulation and adoption of canons of professional ethics; and, finally, the working out of effective disciplinary procedures for enforcement of professional standards.

LEGAL EDUCATION

"Reading law" remained a standard form of legal education until a very few years ago, and bar examinations in some states were open to anyone who cared to try his hand at it until as recently as the 1940's. The principle of a three-year law course for which at least two years of college were prerequisite became the standard in the 1920's, with substantially universal compliance by the 1940's, and today there is a similar swing toward widespread acceptance of the requirement of a college degree before beginning the study of law.

Although an organization of lawyers was established in Philadelphia as early as 1802, and in Detroit and other cities in the early and middle years of that century, it was not until the 1870's that

¹ Charles Warren, *History of the American Bar* (Boston: Little, Brown, 1911), p. 6.

² *Ibid.*, p. 4.

bar associations made a significant appearance, first in the large cities. The American Bar Association (ABA) was founded in 1878, but for many years it existed chiefly as a social organization, and the same was generally true of other bar associations of that day. The first serious business to which the organized bar addressed itself was the elevation of legal education and bar admission standards. Meanwhile, ethical problems had become a matter of increasing concern. As early as 1854, George Sharswood, a Baltimore lawyer, published an essay on professional ethics which served as the profession's "bible" until 1887 when the Alabama bar adopted a formal code based on the Sharswood essay. Other states followed along, and the American Bar Association adopted its Canons of Professional Ethics in 1908. Every state now has its canons, some as a binding obligation with force of law, some as a mere guide but without real sanctions for enforcement other than expulsion from bar association membership.

This difference arises in part from the difference between the voluntary and the integrated or unified bar organizations. In England and Canada, the organized bar always has included all practicing members of the profession. But, because of the historical circumstances already mentioned, the American bar went unorganized for a century, and then the organizations that came into being were small and struggling and were ignored by most lawyers, including, of course, those most in need of the restraints and influences of organization membership.

In 1914, the American Judicature Society began advocating an organization of all of the lawyers of a state, patterned after that of the province of Ontario, and known as the integrated bar. The bar of North Dakota was integrated in 1921, and other states fol-

lowed along in succeeding years until today a little more than half of the state bars are so organized. In these states, canons of ethics adopted by the lawyers themselves are enforced as a matter of self-government by the lawyers' own organization, subject, of course, to final Supreme Court supervision and controls.

The development of adequate and effective disciplinary machinery and procedures has been the last in this sequence. The American Bar Association's Canons of Professional Ethics were adopted in 1908, but the ABA Model Code of Disciplinary Procedure was not drafted and approved until 1956. It was based on successful patterns already worked out in several of the states, and others have since then produced their own based on the ABA model.

Having made all this quite commendable progress, may we go so far as to say that the disciplinary problems of the legal profession have now been solved and that the profession has arrived at its full maturity, both collectively and individually, as responsible members of society? Unfortunately, the answer is No. Lawyers have every reason to take pride in their very substantial accomplishments, but much more remains to be done, and some of it is overdue.

In making this admission I should like to make it clear that I do not share the inferiority complex which some lawyers feel about their profession and which some of our critics think we ought to feel. Lawyers will never be popular as a group. I have often suspected that society has something like a guilt complex about its differences and disagreements and begrudges the cost and effort of settling them. In every dispute there has to be a loser as well as a winner, and the loser's lawyer gets as much blame as the winner's gets

credit, or more. A part of the Utopian dream was a society without lawyers, and Roscoe Pound observed that the effort of the American colonists to do without them was a predictable one.³

OPINION SURVEYS

Public opinion surveys in recent years have shown both good and bad in the layman's view of the lawyer. The latest and best of these was the Missouri Bar's public opinion survey in 1963.⁴ One of the most significant findings in that survey was that among the laymen who had never used a lawyer's services, 29 per cent thought that about half of the lawyers were not entirely ethical, while of the laymen who had been to a lawyer, a slightly larger percentage held the same opinion. Even worse, 27 per cent of the lawyers themselves thought half of their fellow lawyers might be unethical on occasion. These are all minorities, be it noted, while at another point, 83 per cent of those surveyed found the general reputation of lawyers good or better, and only 2 per cent thought it was poor. This is not the place to evaluate these findings or to analyze further this and other public opinion surveys of the legal profession. We may simply note the conclusion of Lewis F. Powell, past president of the American Bar Association, that the Missouri Bar Survey suggested, among other things, the need for a critical re-examination of the relationship of the bar to its canons of ethics, and particularly the enforcement of them.⁵

Present ethical and disciplinary prob-

lems of lawyers fall into three well-recognized categories. Not necessarily in order of incidence or importance, for I have not attempted statistical documentation, there is, first, the mishandling or appropriation of clients' funds or trust funds. Second is solicitation of legal business, known to lawyer and layman alike by the more colorful term of ambulance-chasing. The third is a variety of improper practices under the heading of trial tactics—including fabrication of evidence, concealment of evidence, and other deceits practiced on opposing counsel or the court; other improper means of advancing a client's cause; vexatious litigation or the filing of suits for nuisance or extortion purposes; and the intentional use of delay in trial tactics to force settlement and for other purposes.

Reports of grievance committees seem to agree that the great bulk of complaints about lawyers are not as dramatic or substantial as any of these, but mostly boil down to three: "He doesn't answer my letters." "He charged me too much." "He didn't win my case." Ethics may, indeed, be involved in these also, but only rarely is it really so, and mostly they point up the need for better communication between lawyer and client.

The rest of this article will attempt to answer the question of the title—what can be done? Most of the things to be done must naturally be done by the lawyers themselves. Some, however, are the responsibility of the client; some are up to courts and legislatures; and some are for the schools, the press, and the general public.

The improvement in legal education and bar admission standards that has been going on for many decades must be continued and extended. A major cause of pettifoggery, especially in the bar of large cities, is the marginal or "fringe" practitioner, poorly equipped

³ Roscoe Pound, *The Lawyer from Antiquity to Modern Times* (St Paul: West, 1953), p. 136.

⁴ *Missouri Bar—Prentice-Hall Survey* (Jefferson City: The Missouri Bar, 1963).

⁵ "Public Relations Import of the Missouri Bar Opinion Survey," *Proceedings of the National Institute on Bar Public Relations, New York, August 7, 1964* (Chicago: American Bar Association, 1964), p. 10

to compete for desirable practice and thus overly susceptible to temptation to stretch or disregard the canons for the sake of survival. Many such persons never should have studied law in the first place and would have been screened out by aptitude tests which are now a standard part of law school admission procedure.

THE TEACHING OF ETHICS

An urgent need is for law school faculties to take a more serious view of the teaching of legal ethics, or rather the broader course now offered at some of the better law schools under the name of "professional responsibility." This includes not only the field of ethics, but also the lawyer's role in the organized bar, in legal aid and other forms of public service, and in the improvement of the administration of justice. Where this course is taught, it is usually an elective, competing in an overcrowded curriculum with labor law, space law, and other bread-and-butter and glamour electives, or it is a seminar attended by a handful. In some of the very best and proudest law schools, ethics is covered only in a series of non-credit extracurricular lectures. This is simply not enough.

A lawyer from Mars, surveying the efforts of the bar to cope with ethics and discipline problems would be sure to ask: "Why is not professional responsibility at the very head of the list of required courses in every law school?" The answer he would get would be that nothing more can be crowded into the bulging three-year curriculum. The Martian, in addition to wondering about our sense of proportion, might observe that three years would be about right where he came from, each Martian year consisting of 686 days, but an earthly equivalent would be between five and six years. There is great resistance to lengthening the law course from three to

four years, but some courageous law school will one day take the step, and others will follow. It takes seven years to get a medical education.

The integrated bar (now called the "unified" bar to avoid confusion with racial integration) has spread to more than half of the states since North Dakota first adopted it in 1921. Some states which most need it, however, are holding back. In consequence, there is no authentic, reliable, up-to-date list of lawyers in such large cities as New York, Chicago, Philadelphia, Boston, and Washington. In Washington a few years ago, a man who had learned his law through many courtroom scenes viewed from the defendant's chair was found carrying on a busy criminal practice in the name of a District of Columbia lawyer who had moved to California. In Arkansas and Minnesota, which do not have the unified bar, every lawyer pays a small annual fee to finance professional-discipline activities, incidentally providing thereby an annually updated list of attorneys, and an annual registration of lawyers has been proposed for New York. But this is not enough. The basic concept of a profession is that of an organized group having a special skill for which special education is required, and pursuing its calling primarily for public service rather than monetary gain.⁶ The organization is one of the fundamentals, and it is preposterous for lawyers to argue, as many do, that a professional organization which they are not free to ignore if they feel like it is "regimentation." The lawyer who cares so little for the rest of his profession that he makes an issue of staying out of its organization ought to be out of the profession as well.

Every state now has something in the way of ethical standards for its lawyers, but a clean-up job needs to be done to

⁶ Roscoe Pound, *loc. cit.*, note 3, pp. 4-10.

get them all in proper shape. Those which are merely hortatory should be given binding force, preferably by rule of the state's highest court. Some represent genuine differences of opinion from the ABA canons, but there are many minor and insignificant differences which should be eliminated for the sake of uniformity, and the policy differences should be resolved. An American Bar Association committee is now studying a complete revision of the canons, which have been revised and added to many times since 1908, and the study will, of course, give careful attention to the many state variations and possible modifications of the ABA canons in the light of them. The completion and approval of a revised ABA code should be the signal for a nationwide movement to make all state canons correspond to them.

DISCIPLINARY PROCEDURES

No perfect disciplinary procedure has been devised. The ABA model code of 1953 was a great step forward, and it has exerted a beneficial influence on state procedures, but the organized bar has a long way to go before it can say that it is doing an adequate job in professional discipline. The spirit of the model code is expressed in the following statement of principles that accompanies it:

The purpose of discipline of lawyers is the protection of the public, the profession and the administration of justice, and not the punishment of the person disciplined.

Only persons of integrity and good character should be permitted to practice law.

Persons admitted to practice law in the state are a part of the judicial system of such state and officers of its courts.

A license to practice law confers no vested right, but is a conditional privilege revocable for cause.

The highest court of the state has the inherent power and the duty to prescribe the qualifications that shall be required

for admission to practice law, to admit persons to practice law, to prescribe standards of conduct for lawyers, to determine what constitutes grounds for the discipline of lawyers; to discipline, for cause, persons admitted to practice law in such state, and to revoke the license of every lawyer whose unfitness to practice law has been duly established. Such court may not properly delegate the final exercise of such power or duty, or recognize the existence of either elsewhere than in itself.

It is impossible to determine at the time of the revocation of a license to practice law when, if ever, the person whose license is revoked will become qualified for readmission. Therefore, revocation should not be for a stated period and should place on the person whose license has been revoked and who seeks readmission the burden of establishing by clear and convincing proof that he possesses the qualifications for readmission, which should not be less than those required for original admission.

It is the obligation of the organized Bar and the individual lawyer to give unstinted cooperation and assistance to the highest court of the state in discharging its function and duty with respect to discipline and in purging the profession of the unworthy.⁷

Disciplinary measures commonly applied against offending attorneys include private reprimand, public reprimand, suspension from practice for a stated period, and disbarment. There are reasons for questioning the wisdom of two of these—public reprimand and suspension. Certainly there are occasions when a lawyer should be privately warned that things he has been doing must be stopped, and if they are stopped, all is well and good. To do this in public, however, is, in effect, to warn the public to watch this man and to admit that the profession as a group is stringing along with a man about whom it has doubts. This is wrong. The profession

⁷ 78 ABA Reports 129 (1953); 39 *Journal of the American Judicature Society* 183 (April 1956).

should maintain its integrity before the public, and should not permit the public to trust a man whom his own professional brethren do not trust. In any case in which private reprimand is not sufficient, there should be disbarment. In place of suspension for a period of years, which smacks of punishment and offers no assurance of change in the lawyer at the end of the time, there should be disbarment subject to reinstatement whenever an adequate showing of possession of the requisite qualifications can be made. There are instances of total and permanent disbarment without possibility of reinstatement, and this seems unnecessarily severe and contrary to the spirit of the code. It may very well be that at the time of disbarment the judges of the court are convinced to the point of certainty that no showing sufficient to justify reinstatement ever will be or could be made, and they may thus actually look upon it at the time as a total and permanent disbarment. But nothing good is accomplished by advertising this conviction and the pre-determination that rehabilitation will never take place. The important thing is simply never to let this lawyer or any lawyer practice as long as he is unfit to do so. This can be accomplished by applying the regular admission standards whenever he applies for reinstatement, and it is unprofessional, unjudicial, and unnecessary to prejudge at the time of disbarment the qualifications this person may have at all times in the future.

CLIENTS' SECURITY FUND

Perhaps the last and best word on the solidarity of the legal profession as a group with respect to disciplinary infractions of individual members is the Clients' Security Fund, a device whereby the lawyers contribute to a fund, or to the premiums on an insurance policy, from which money may be taken to

make good the defalcations of any individual lawyer who is not able himself to make restitution. Since its introduction about ten years ago, this plan has made rapid progress and is now enforced in nearly half of the states and on a separate basis in a dozen or more counties and large cities. Indications are that within another ten years the entire bar of the country will be covered.

There remains the problem of what can be done about deceptive and otherwise unethical practices of lawyers in the trial of cases, and, particularly in the latter connection, the use of delay as an element of trial tactics. There are clear and explicit canons on these topics, and disciplinary machinery exists for enforcing them. However, many judges put up with courtroom tactics and practices which they know are wrong because they do not have the courage, or feel that they do not have the power, to clamp down on them. The concept of a judge as a mere referee or umpire ruling on motions and admissibility of evidence, like balls and strikes, in a trial that is effectually a battle of wits between opposing counsel who really control it, is giving way to the more rational view of the trial as an orderly search for truth under the direction and control of the judge. The greatest obstacle to widespread prevalence of this view is the existing system of political selection and tenure and the inadequate provisions for judicial compensation and judicial security and independence which too often result in a courtroom in which the lawyers outrank the judge in legal competence. The remedy here, long-range, difficult, but necessary, is substitution of merit selection and tenure plans for the political systems now prevailing in most states, increases in judicial salary and retirement benefits so that top-flight lawyers will be attracted to judicial office, and

changes in procedural codes and court rules to give judges power to comment on the evidence and otherwise direct and control the course of the trial.

PRETRIAL CONFERENCES

Certain specific procedural devices are already being used successfully to reduce delay. The pretrial conference offers an opportunity for realistic evaluation of the strength and weakness of each side, and it can be used not only to shorten most trials by simplifying the issues and dispensing with unneeded proofs, but also to encourage and assist in settlements without trial and to expose groundless claims that ought not to take up the court's time. The certificate of readiness, first used in New York some six or seven years ago, pledges that a case will be ready to try when it comes up. Without the certificate, it cannot stay on the active calendar; with it, the case must be either tried or dismissed, or removed to the inactive calendar, depending on local court rules, but either way being put out of the way of the flow of active cases. It is being used in various parts of the country now and is deserving of wider adoption where delay is a problem.

Among many other measures available against delay, mention should be made of engaged-counsel rules. In many cities, a small group of trial lawyers have huge lists of cases pending and keep them all going by means of continuances based on the fact that the lawyer is busy in another court. This

enables the lawyers to bring up such cases as they desire brought up, with others held until the lawyers feel the time is ripe. Courts are dealing with this by refusing continuances to lawyers with more than a specified number of cases pending. The result is to speed trials, to involve more lawyers in trial work, and to make more difficult the use of delay as a trial tactic.

A concluding observation applies to most of the ethical disarray in the legal profession and also in the other areas of public life dealt with in this volume. In nearly every instance of sharp practices by an attorney, there is a client who stands to benefit by them and who probably knows about them and wants them. It is no excuse for a lawyer in violating the standards of his profession to say that his client wanted him to do it, but, at the same time, taking a broader view of "what can be done," it may surely be said that the great bulk of lawyers' sharp practices could be stopped any time the clients refused to tolerate them. Lawyers, like legislators, doctors, and clergymen, are only people, and they are as responsive as other professionals to the morals and mores of the people around them. At the same time, lawyers, and most of the other groups mentioned in this volume, stand in the position of opinion-leaders. In the give-and-take of public influence they should and do give more than they receive, and so they should justify their position of trust by living up to a higher standard which will set an example for others.

The Morals of Medicine

By OLIVER GARCEAU

ABSTRACT: The ethical problems of the medical profession stem from the extraordinarily high value placed on life, well-being, and freedom from pain in our culture; from the necessarily intimate relation of doctor and patient; from the strains of private practice, a small entrepreneur role, in a society of big government, big business, big labor, and big cities; from contradictory social values in matters of religion, sex, and right of privacy in the individual's own body; from failures of communication between the profession and the public as to the nature of medicine and the limits of science; and from the conflict over change in the organization of medical service. The profession has fought its battles with notable success on most fronts, but without a fully satisfactory answer to the tough problem of maintaining quality. Medical society discipline and malpractice suits have not provided effective enforcement. Isolated individual practice is diminishing. Group practice, certification of advanced training, widened hospital-staff membership, and improved hospital certification provide new disciplines to enforce quality. The language of medicine's codes and of the politico-economic debate have contributed to a public image of guild restrictionism and self-protection. Though impossible to measure, change appears to have been, in fact, to marked improvement in quality and protection of the patient against negligent, incompetent, or exploitative medical service. The introduction of compulsory sickness insurance and socialized medicine raises the new ethical issue of the doctor's strike.

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PUBLIC concern over the ethics of the medical profession is as old as recorded history. It is a concern growing out of the necessarily intimate relation of doctor and patient, the value man places on his life, and the suffering endured in illness. The particular ethical problems of today derive in part from the relationship inherent in medical service and in part from the tensions of our culture and our political economy. There is pronounced popular ambivalence toward the medical profession. Doctors can receive worshipful respect and round denunciation in almost the same breath. Ethical judgments of medical behavior are made in the context of these contradictory perspectives.

BALANCE SHEET OF A PROFESSION

There are great strengths in the doctor's situation. Our culture has swung far toward the extreme of materialism, hedonism, and a secular ordering of values. We give primacy to this life and to its achievable comforts. Pain and suffering, physical handicaps, and death are regarded as evil. This need not be so in human affairs, but it is so today. The doctor plays a central role in the search for these primary values of the culture. Beyond that, he inherits a firmly established role in our minds—the family physician, up at all hours in emergency, sitting by the bedside until the crisis is past, exposing himself to infection, sacrificing his health and comfort in years of unending toil, moved to compassion for his fellow men, family counselor, friend, keeper of confidences, and elder statesman of the community. The doctor also epitomizes the liberal man, the individual entrepreneur, the single-handed conqueror of the forces of evil—self-sufficient, autonomous, willing the good of others, and enjoying a natural harmony of self- and other-

regarding interests. The profession is respected as a learned profession, with an arduous training, incredible mastery of detailed knowledge, an autonomous group with self-governing authority. Doctors are, perhaps, the most understandable scientists. They have been admitted to the mysteries; they, more than anyone the layman meets, use special language, though it often means merely that you have "a pain in the ache." In our lifetime, medical science has produced startling mastery of age-old disease. The power of experimental science as a method is repeatedly demonstrated. It is a period of great intellectual and mechanical advance. The sum of these attributes is that the medical profession occupies the highest status of any occupation outside the pinnacle of national government, where public visibility is exaggerated. Though he possesses less income and less power to move things and people, the doctor outranks the lawyer and the corporation executive. The fit of his role with the values of the community is markedly better.

The role is not, however, without its difficulties, which pose ethical questions. Medicine suffers the discontents of its very virtues. Underlying much of the criticism is the simple fact that men all die and all suffer while living. Modern medicine has not, in fact, extended the lifespan by a noticeable margin. A culture, dedicated to secular, hedonist values predictably bears fruit in bitterness, disillusion, despair, and sorrowful philosophizing about the condition of man. Much of the present stance toward life and its satisfactions is not wholly workable, and medicine takes some of the blame. Society may, indeed, create the new diseases out of its own characteristics as it cures some old laments. Medicine is more than half an art, not a rigorous science. Most of the fundamental questions

about living matter cannot be answered.

Far short of this philosophic tension is an everyday demand for medical care that is unreasonable. Functional disorders comprise a part of every waiting room, and they cannot be sent away cured, nor can they be sent away understanding and satisfied. In addition to the multiplying neuroses and psychosomatic pains, there are the many cases of generally deficient raw human material. The demands for care exceed the needs as understood by the doctor. There are some who believe this disproportion grows with leisure, affluence, urban, and, especially, suburban life. The patients are truly sick, but they cannot be helped much by orthodox medicine as now understood. They are truly dissatisfied. Doctors have not succeeded in teaching the community the nature and limits of medical care. We indulge the illusion that health itself is a right. The debate on public policy treats health "as a commodity to be distributed by science or government. . . . Health can be earned only by a disciplined way of life."¹

The economics of medical care embodied in a fee-for-service private practice contradict a basic characteristic of the living organism. Demand is intermittent, unpredictable, intense. It is a crisis emotionally for everyone and financially for many. After the event, the organism is both designed and trained to put sickness and death behind; there is a fierce need and determination to forget. This is wholly functional to living, but it makes it hard to collect the bill. Doctors suddenly appear to be greedy small tradesmen, hounding the free spirit who is now luxuriating in newly won health and maybe thinking about treating himself to a little luxury as a reward for re-

covering. The doctor and his bill are resented.

Of course, the doctor, in fact, *is* a little businessman, and in a world where little business is at a disadvantage. It is a world where power inheres in big government, big business, big labor, and big cities. It rewards with leisure those employed with big chunks of capital investment. Few executives put in the working hours of the private doctor, and virtually no blue- or white-collar employees, unless they be singularly energetic moonlighters. In this setting, the private practice of medicine takes on much of the greedy, tooth-and-claw competitiveness of early, unreformed capitalism, with unfair methods of competition, strong impulses to exploit the customer, denigrate the competitor's product, limit the recruits, charge what the traffic will bear, and deteriorate the product. Characteristically, these small business cadres of modern capitalistic society exhibit frustration, alienation, extreme conservatism, or a reactionary stance in politics. Doctors have not altogether escaped. The economics of medicine have contributed to a public uneasiness about the medical guild and to a resentment of the cost, however unjustified that resentment may be.

The distrust of medical prescription is heightened by the inevitably rapid shifts in doctrine. To even the literate and attentive layman there seems a touch of faddism. Does the doctor know as much as we, in our terrible need, want to believe that he knows? Youngsters get raised on demand feeding or rigidly scheduled feeding according to the half-generation of their dates of birth. This is a presumably harmless example of a very widespread experience which generates endless, not altogether harmless gossip. Doctors have not been successful in communicating even to a limited, sophisticated, and attentive public what it is that they

¹ René Dubos, *The Dreams of Reason: Science and Utopias* (New York: Columbia University Press, 1961), p. 93.

know and how to regard the scope of their knowledge. The public wants quick, clear, definitive answers. Both the art and the science of medicine must deny them this kind of certainty. Good theory may take a long time to mature into sound and useful practice. Pure empiricism may hit upon useful practice in the absence of supporting theory. Advance in understanding comes through the interaction of the clinic, the laboratory, and the library. This failure of communication as to the very nature of medical science underlies much layman's criticism of medical practice.

Further contributing to tension are contradictions in the culture which bring severe cross-pressures on the doctor. Medical ethics from the beginning have been based on a reverence for life. This does not answer all the questions. The primacy of life is balanced with concern for the dignity and decency of life. How to deal ethically with terminal illness poses a difficult example of conjugate principles.² Currently we reject euthanasia out-of-hand. The doctor must never be allowed to cause death, must never act against life. But it is increasingly accepted that he may withhold procedures which would prolong life uselessly, at the price of further suffering, indignity, and burdensome expense. The problem remains to define the terminal case. In fact, the doctor does administer a program of dying as well as living, though not professionally trained in this, the earliest of the learned professions.

On a less urgent plane, the doctor is often confronted with the patient who is not readily disposed to accept full care, who rather prefers superficial treatment of symptoms, who wants to be patched up for a short run, who fears disclosure of more fundamental dis-

orders. More puzzling are sexual codes designed to foster population growth. We are in transition to a concern with population surplus. Doctors recently were prosecuted for dispensing birth-control facilities, while others were employed by the government to distribute them. As our morals and manners move from the formal strictness of the nineteenth century to eighteenth-century, frankly sexual freedom, the doctor finds a greatly expanded definition of therapeutic abortion and concern for the social as well as physical well-being of the child. Law and custom move slowly. The doctor moves in advance, under pressure of the urgent need of the patient. Doctors of the first rank have habitually performed abortions to keep their patients out of the dangerous hands of submarginal abortionists. It will be a long time before this contradiction is fully resolved. The medical code of ethics is not simply and logically updated.

Rights of privacy and of belief present further contradictions. What are the limits of society's invasion of the individual's body? Inoculation raised the question a long while ago. Are "three generations of imbeciles enough"?³ It was clear enough for Mr. Justice Holmes, son of a most imaginative physician. Religion has played a major role in defining sexual morality. Christian Science presented fresh difficulties for rapidly improving surgical procedures. Now Jehovah's Witnesses resist the new techniques of blood transfusion. Courts have responded to the demands of orthodox medicine in the case of minor children, but have hesitated to constrain adults. Doctors cry out against what they call this legal certification of suicide. The transition from a morality of bare survival to that of a population surplus may simplify the ethics of sexual relations, but the

² Abbott Lawrence Lowell, *Conflicts of Principles* (Cambridge, Mass: Harvard University Press, 1932).

³ *Buck v. Bell*, 274 U.S. 200, 1927.

culture is too dynamic to expect any final surcease of conflicting claims of the individual and the society over the body.

Finally, and most irksome to the customers, are the doctor's mistakes. The doctor is hard-pressed financially by the exigencies of his upper-middle-class standard of living. He is under continual strain to keep up-to-date in a field of knowledge expanding at an explosive rate. In competitive private practice he is most reluctant to take time off for extended study and clinical instruction outside his home community. He is often tempted to undertake procedures beyond his training and experience. He may well lose patience with customers whose complaints are often unreal. He is in too much of a hurry and too tired. Yet the absolute ideal of medicine is immanent in the role itself, in each separate case, which is of absolute and final importance to each patient. The human fallibility of the doctor is made equally inescapable in each mistake. The truly pervasive problem of medical ethics is how to maintain quality. If only a doctor can pass judgment on quality or certify a mistake, the patient's vulnerability is painful, his resentment close to the surface of the relationship.

ETHICAL ACCOMMODATIONS

Professional autonomy and self-discipline are not without special difficulties in the social context. Professional service by the individual practitioner is itself an organizational scheme not well understood in a largely bureaucratic and hierarchical world. The authority of the doctor derives not from his office but from his professional competence. This the patient is by no means clear about judging. Nor does the formal language of ethical codes reassure him that he will be protected. The Hippocratic Oath is familiar as a name,

but rather a strange document to our modern eye. Even a casual reading notes the care with which knowledge is reserved to the initiate and the special solicitude owed to one's teacher. These precede the admonition to prescribe only for the welfare of the patient, and not to exploit the intimate relation. The present-day code of ethics is more comforting to our eye, starting with service to patient and humanity and the obligation to advance scientific knowledge. There are restrictionist clauses—against associating with quacks, against fee-splitting, against terms or conditions of service impairing free judgment or quality of care or choice of patients. The doctor is required to uphold the dignity and honor of the profession and to accept its self-imposed disciplines. Hospital by-laws also have elements of self-protection spelled out, particularly with reference to abortion, sterilization, and consultation in poor risk cases. But, on the whole, the substance of the codes is not seriously wanting, though the protection they afford may, at a glance, seem verbally more specific in behalf of the doctor than of the patient. The struggle is to organize and operate a machinery of discipline that can reach down to the individual case. In such a purpose, no administrative structure can hope to be perfect. The medical profession has not satisfied the customers that it is doing its best.

First is the problem of screening admissions. Who shall guard the gates? Whatever the institutional arrangements, the answer is those already inside. Almost by definition, a learned profession with licensure has elements of monopoly. There is, therefore, controversy about the standards of admission. Can the number of doctors be greatly expanded, as has often been demanded and perhaps as often resisted? The intelligence, vitality, durability, dedication, and compas-

sion required of a first-rate doctor—country practitioner and city specialist alike—are rare qualities among men. In a doctor, we want nothing less than this exceptional conjoining of characteristics, and we never can get them in sufficient supply. The Great Society programs will not necessarily find it easier than the hit-or-miss past. The proliferation of licensing boards in sub-professions and trades, under the guise of protecting the consumer and the mysteries, has brought some discredit on all guild restrictions. Since the Flexner reforms of two generations ago, the medical schools have maintained generally high standards. The one or two year internship has greatly improved the standard and uniformity of the output. With the rapid development of the residency and the American Boards in specialties, the whole conception of certification of quality has moved encouragingly beyond simple licensure, to the great benefit of quality. The public remains largely unaware of the new machinery or of how to use it, but that is not perhaps essential to enjoying the fruits.

It is disciplining the wayward rather than admission that has proved to be the most troublesome, though the least discussed, problem. State and county medical societies have the formal institutions for mediating and adjudicating. They have the authority to suspend and expel. Virtually all hospitals require medical-society membership for staff appointment or courtesy privilege. By this linkage, the organized profession has a conclusive sanction, quite apart from the influence it may exert over licensure boards. There has, at times, been quite an outcry when organized medicine used this sanction to curb administrative arrangements not to its liking. But suspension or expulsion are seldom formally used against the unethical, the negligent, the overambitious,

the exploitative, or the incompetent doctor. Doctors fear gossip. They fear countersuit. They proceed only with written statement and witnesses. They seldom proceed. But this by no means indicates that the machinery is otiose. Its availability in reserve allows proceedings by informal conversation, fatherly advice, preliminary warning. The good opinion of his professional colleagues is almost as necessary to a physician as hospital access. He can be frozen by lack of consultation, lack of referral, social ostracism, and informal advice to patients. So the formal record is no measure of the discipline exercised. At best, however, it is no sharp, all-seeing, alert enforcement. At worst, there is very little besides the conscience of the doctor to keep faith with medical ethics.

One difficulty with medical-society discipline is that it requires an extraordinary act of initiative and a formal accusation. In practice, the hospital staff seems to have become the more effective protector of quality and morality. The rules of the game, enforced by the standards of the Joint Commission on Accreditation of Hospitals—American College of Physicians, American College of Surgeons, American Hospital Association, American Medical Association (AMA)—require written reports of each case, discussion of all questionable cases, review of deaths, autopsies whenever possible, reports from the pathologist with comparison of the diagnosis and the laboratory finding, and review of exceptional hospital stays. All staff appointments are reviewed annually, and may be renewed with narrower scope to the doctor who has not shown the ability to cover a range previously allowed him. Monthly staff meetings are required for review of cases, and both this review and the scrutiny of staff qualifications are routine episodes, requiring no initiation or

hostile gesture. This close, continuous check by colleagues is a safer and more discerning protection than licensure or society membership.

In addition, there is operating a kind of regional statesmanship, senior men in the metropolitan areas, teaching in the schools and practicing in the research and teaching hospitals, who can steer young men of ability to areas which require bolstering of professional quality and integrity. For it must be admitted that there is no other solution in most cases of local backsliding. Doctors are exceedingly reluctant to criticize their colleagues in a legal proceeding. Malpractice suits brought by patients are hard to win because doctors will not testify. They will not, primarily because each case is complex and unique. In an uncertain science and an intuitive art, the correct decision cannot be found in the book. Judgments in a liberal profession are of a breadth that defies routine. On a practical level, doctors all make mistakes, often, though they usually talk of only occasional, intellectually interesting mistakes they can recall. Many or most of the rest are so inevitable in the situation that the doctor does not notice. Since mistakes are inevitable, there is every reason to keep the risks of the practitioner at a low and acceptable level, or there can be no practice of medicine at all. This is usually overlooked in the argument.

Further, there is an element of faith and mystery in the relationship which is functional to the healing art. The cloak of authority, even of something like infallibility, is helpful. The doctor gives advice, not orders. To achieve results, the patient must have faith. The doctor must be in a relationship to bear some of the fear, uncertainty, and pain. The conspiracy of silence, guild-inspired as it may be, is functionally correct for the service rendered. It is

also appropriate to flexibility and the growth of knowledge. The monopoly of orthodox medicine is necessarily strong. Technical questions must be left open if there is to be change, and they will freeze shut if doctors testify in court against a colleague's procedures of treatment. Finally, malpractice suits are complicated by the unrealistic perspectives of the patients, their understandable demand for cure where that may not be simply delivered, their human proclivity for unco-operative and self-defeating actions in the course of treatment. So, in fact, a bad local situation is not usually subject to frontal attack, seeking to curb, penalize, or oust a wayward doctor. Very often, it must be admitted, it is not attacked at all, and regional statesmanship is not at the command of the layman seeking redress or reform.

PRESENT DISCONTENTS

On the larger canvas, there is the question of defining orthodoxy and controlling the profession itself. Given the temptations to quackery and cultism, orthodox medicine has done tolerably well in partial incorporation, exclusion, and outright suppression of the endless procession of medical vagaries. There are always tensions. Homeopaths long since have dissolved into orthodox ranks. Osteopaths are partially incorporated, resisting total immersion, but now in many states brought up to accepted standards of education. Faith-healers are largely quelled. In a discipline where progress is at times without theory or with wrong theory, there is always uncertainty. Many accuse the AMA of excessive conservatism in reviewing drugs and devices. When doctors do not have an answer and felt need is intense, there is the material for a conflict such as the Krebiozen affair, involving an orthodox doctor with all his papers in good order, but committed

to a remedy even though it defied the rules of the game by refusing to disclose its composition. There are charges also that AMA responds to economic interests, for example, tobacco companies in the matter of lung cancer, and pharmaceutical houses which, like tobacco manufacturers, are big advertisers. Certainly the AMA has shown alertness to the use of intergroup alliances in the political process.

Throughout the politico-economic debates, the organized profession has remained recognized as the orthodox group. Legislatures and courts have accepted the leadership of scientific medicine. Indeed, the doctor is in danger of being engulfed in commercial and governmental benefits, with new ethical problems emerging. The torrent of research money has tempted some rigging of research results for drug houses. Government grants have contributed to the pressure for experimentation on patients little able to understand what is at stake. "Informed consent" of the patient is a difficult criterion. For that matter, what morality justified teaching on the charity patient and not on the private ward? Can "terminal cases" morally be treated differently and made subject to experiment, even with "consent"? Again, can the terminal case be identified? What of the larger service to medicine if they cannot be made available for the critical experiment? It is an age-old problem, magnified by the increased research money and the transformation of research from the inquisitive individual scientist to the highly visible institution. But, ethically, robbing graves seems to us child's play compared to the conflicting values in clinical trials of new drugs and experiment on live bodies. There are many ancillary issues. If a really good new remedy is developed, how long must a control group or the general public be denied the chance of life itself while

efficacy is tested on the experimental group? These questions are not answered. Doctors do as best they can.

Though firmly in charge today, orthodox medicine has lagged in adapting to some of the peculiarities of metropolitan life and has aroused fresh criticism of its conduct. The impersonality of large city practice has resulted in a failure to schedule relief time for the doctor and coverage of holiday sickness. Guild responsibilities have been here defaulted. Doctors have been hesitant to handle emergencies in fear of a malpractice suit, and it is not clear that recent Good Samaritan legislation will prove adequate to protect the victim from abandonment. Though doctors are quite properly the first and sometimes regrettably the only ones to speak out for public health, it may at times seem that they hesitate to fight the good fight to a conclusion. On fluoridation, vaccination, pollution, and a clean water supply, many a town rocks along in near-medieval darkness. The opposition includes inertia, ignorance, fantastic folklore, and vigorous vested interests. The doctor hesitates also to press his patients with preventive measures in fear of seeming exploitative. Regular physical exams, Papanicolaou cytologic tests, and booster shots are sometimes more common in institutional medicine than in private practice. More subtle and imponderable is the question of whether the doctor meets his obligation to teach the patient what little we know about living sensibly. People do not want to be inconvenienced or made uncomfortable. They have many layers of ignorance and myth protecting them from a clear view of the fate awaiting the decaying organism. Quite sensibly, they know they would go mad if they could see their individual fate. The ethical problem here is among the most important and the least discussed by the profession. These are among the currently

sensitive questions confronting the profession.

Finally, the reorganization of medical service, with compulsory sickness insurance, institutional medicine, or fully socialized medicine, poses inescapably the moral issue of the doctor's strike. This is not imaginary, but already a painful reality in Canada, Belgium, and Mexico—and a formal threat in Britain and the United States. It is an inevitable confrontation. There is no way to organize the medical services of the Welfare State without interjecting a third party into the doctor-patient relation. Under voluntary insurance in the United States, the insurance company or the nonprofit scheme paid the bills and raised the rates as the doctor, or the patient, or both have raised the costs. Compulsory relationships may do the same, but not without limit. Constraints on treatment will threaten as computers identify the exceptional hospital stay or the expensive treatment or the odd procedure. Computerized diagnosis of the fully electronic patient is a proximate nightmare. Already the reviewing standards of hospital cases, designed to expose exploitation of fund, of patients, or the aberrant physician, are causing unhappiness in a profession which deals with cases, not production lines.

Furthermore, the logic of events is clearly to bureaucratic rather than entrepreneurial practice, with rapidly diminishing scope for free choice on the part of either patient or doctor. Military, institutional, corporate, educational medicine is already a big slice. The sequence from compulsory insurance to state medicine is clear, though it may be not inevitable. But the transformation of the doctor from *petit bourgeois* to bureaucrat is inevitable. Group practice, the clinic, the hospital, and the institution, leave relatively little of truly isolated individual practice.

It is just as well, since modern standards can never be met by the individual alone and few are so benighted as to try. Whether the loss of free choice by the patient is just as well is a much harder question. The choice, of course, is an ambiguous one, not wholly unlike the case for democracy. The patient cannot choose on the basis of complete information, but perhaps his choice is a safer relationship than turning the choice over to impersonal hierarchy or nameless authority. Morally, man probably can claim some right to live, within narrow bounds it is true, as he chooses with his creaking and sagging organism. The bounds are surely narrowing, and it is an extraordinarily strong-minded individual who can manage to die with his boots on or at home in his own bed. The doctors do not like it. For all the talk against the third party, they prefer that patients die in hospital, where the case will be routinely reviewed at staff meeting. It tidies up any possible loose ends.

SECULAR CHANGE

There is no way to judge whether ethical problems of medicine are handled better or worse than in some early time. There never was a more ruthless monopolist than the country general-store keeper, unless it be the overworked, neglectful, brash, general practitioner in a small town and a small hospital. We cannot measure the quality, professional or ethical, of past or present in quantified terms. Cases are seldom explicit, unethical behavior seldom visible, layman's gossip seldom informed. But it is quite possible to say that there has been an advance in quality since the Flexner report, the development of hospitals across the country, the inspection and certification of hospitals, and the residency and certification of specialists by the American Boards. Group practice and hospital staff impose on the

doctor the continuing discipline of a "company of equals."⁴ The proposed regional centers for heart disease, stroke, and cancer may turn out to be a valuable institutional invention to supplement the hospitals, however questionable the research strategy of picking out the diseases of old age.

It would be wrong to conclude, as so readily is done, that the problems of quality and ethics are easily solved by good will, the application of reason, institutional reform, or a dose of socialization. The difficulties are not merely guild restrictionism or the reactionary impulses of small-business medical mentality in a world of gigantic organization. Experience with expanding public sectors of medicine shows that it can be and often is of superb quality. Surveys of city hospitals show that it can be mediocre or shockingly abusive of the patient's need. The move away from isolated private practice is inexorable and all to the good. But the need is real to evolve institutional relationships

which provide flexibility, which protect against uniform government rigidity. The doctor has not been successful in his battle against a socialized service framework. Medicine is not a routine, uniform product. It is an art as much as a science. The doctor has fought this battle in terms which exposed him to charges of guild selfishness, of stubborn reaction, and of obsessive fear. In this battle, the ethical stance of the profession has been compromised in the public mind. It can be argued that we need medical leadership which has a longer range in its thinking and is more astute in its political judgements, as well as ethical in its conduct. Just on the horizon is the most serious ethical crisis of the profession, the doctor's strike for terms of service he believes essential to doing the work properly and being rewarded fairly. For the moment, the issue is wisely abated by present AMA leadership. It was startling to see it made explicit so early in the transition. In a centrally organized society, the morality of medicine will necessarily be judged in different terms than the doctor-patient and doctor-doctor relations of the traditional codes of ethics.

⁴Talcott Parsons' introduction to *Max Weber: Theory of Social and Economic Organization* (New York: Oxford University Press, 1947), footnote, p. 60.

Can Organized Religion Be Unethical?

By PAUL C. EMPIE

ABSTRACT: Organized religion does not claim to be perfect and is aware of certain hazards to its mission inherent in its very structures. Preoccupation with organizational machinery or spiritual compromise for the sake of institutional survival may defeat the goals it pursues. There is always a tension between the ideal and human efforts to attain it. Not imperfection in relation to proclaimed standards, but insincerity or cynicism regarding them merits the charge of "unethical." Organized religion acts unethically whenever it compromises its prophetic role for the sake of institutional self-preservation, prestige, or power. Its dilemma arises from the fact that it must interact with the power structures in society which, as well as its own adherents, often seek to use religion to support their own interests instead of responding to its insights. To teach and inspire while understanding the shortcomings of humanity, to generate power from within instead of manipulating power from without, and to co-operate with other agencies for the common good without exploiting them or becoming their instruments for compromising goals—these are some of the ethical problems of organized religion.

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AN easy and oversimplified answer to the question posed as the topic of this paper is, of course, "Yes." To stop there, however, would be to gloss over a highly complicated problem of key importance to our national life.

I take it that the term "organized religion" has been chosen to contrast the activities of religious groups as sociological structures with the personal behavior of individuals who may or may not be related to such groups. In the making of this distinction, is there at least some implication that structured collectivism in religion should be less subject to the lapses of human fallibility than the day-by-day moral decisions of persons in community situations, or that the ethical claims of a spiritual tradition should be stabilized in the formal procedures of institutions in a way which cannot be matched by just plain people? Any such assumption would start us off on the wrong foot. Rare and relatively insignificant in history are those religious movements which have claimed perfection for themselves or for their institutions. To be human is to be imperfect, and even divinely ordained orders in society share the shortcomings common to everything which involves men. Thus, to sneer at the failures of organized religion to attain perfection is to expose one's own naivete. There is a difference between falling short of spiritual goals and dealing loosely with them, as I shall illustrate later.

THE DILEMMA OF ORGANIZED RELIGION

The dilemma of organized religion has been succinctly stated as follows:

The dilemma is simply this: on the one hand, if the church is to take seriously its obligations as a missionary and witnessing movement, it must maintain some semblance of continuity, stability, and persistence; it must develop appropriate organizational and institutional forms. Yet, on the other hand, the very institutional em-

bodiments necessary for the survival of the church may threaten, obscure, distort, or deflect from the purposes for which the institution was originally founded.¹

To evade this dilemma by withdrawing from the world is not a possible option for those who regard religious faith as valid for and indispensable to a mankind which is groping toward light while gasping for air (and not always aware of the need for either). Those who profess devotion to spiritual values and regard them as indispensable to personality developed according to divine purpose cannot remain indifferent to the cancerous selfishness and paralyzing fears which blight society in so many ways. The logistics of outreach and communication in the twentieth century involve planning, the training of specialized personnel, the use of printed and audiovisual media, financing, and the maintaining of administrative direction to such degrees that without organization and the creation of institutions, religious groups would face a hopeless task. Only through such instruments can they function effectively amid the power structures which surround them. There is always the danger that organized religious groups, through power structures of their own, will lapse into the faults common to all institutionalized forms of society—indeed, this happens all too frequently. But the risk must be taken unless religious groups are willing to abandon a dynamic role and settle for futile navel-gazing and breast-beating.

As all men seeking the common good are well aware, working with others toward the achievement of social gains means that one settles for proximate values at stages without abandoning

¹ Robert Lee, "The Organizational Dilemma in American Protestantism," *Ethics and Bigness: Scientific, Academic, Religious, Political and Military*, ed Harlan Cleveland and Harold Lasswell (New York: Harper, 1962), pp. 187-188.

belief in and efforts in the direction of ultimate ideal goals. In this process there is not always a choice between the good and the bad; often one must select the "least worst," knowing that to withdraw from the battle would be in effect to surrender to a "worse worst." All of this is trite, but is mentioned here to emphasize that organized religion is no exception among the structures of society which must face these facts of life. The point at which it should differ significantly is that its ultimate goals are fixed within the context of divine imperatives which, unlike humanistic views of life, do not fluctuate in conformity with the social and cultural mores of successive generations.

The crux of the problem lies not so much in what is claimed as in the way those claims are pursued or exploited. With respect to many issues facing organized religion, to act ethically simply means to proceed with integrity. Obvious illustrations of lapses of integrity are: capitalizing upon the pleas of distraught persons for spiritual help by concealing the limitations of spiritual therapy or making exaggerated promises as to what specific religious practice will accomplish; tolerating misconceptions with respect to other groups in order to preserve loyalty to one's own; distorting the facts of history, past and present, to create a favorable "public image"; and riding a wave of public opinion by attacking others without sifting all of the facts or giving others credit for proper motives and for the measure of truth which their position may contain. Such "unethical" procedures are not related to the problems of organized religion as such but merely reflect the common fault of dishonesty. Sometimes the motive is greed; religion, like medicine, is a lush area from which the unscrupulous can and do extract sizable fortunes by cynical and often cruel manipulations of human emotions.

In other instances, decision-makers, who may be quite sincere, rationalize their use of practices which they themselves would condemn in other contexts, signifying that in these particular instances the end justifies the means. It would not be useful to compile a long list of such glaring breaches of ethical conduct by various religious groups, for their roots penetrate into universal human imperfections rather than into the dilemmas of organized religion. Our attention is to be focused upon the latter.

THE FUNCTION OF TENSION IN ETHICAL BEHAVIOR

One cannot dismiss this aspect of religious behavior, however, without a word about the perpetual tensions which are inherent in all manifestations of religion. Speaking of the major religious groupings in the United States and disregarding the many pseudo-religious societies which are exploitative in their philosophies and methods, the common characteristic of religious traditions is their belief in spiritual values which are universal and eternal, stemming from a divine Being infinite in wisdom and power rather than from the limited understanding and changing desires of generations of finite humanity. The Judaeo-Christian tradition affirms that this divine Being has revealed His will to men at specific times and places in history. Such revelation, however, is generally given in terms of values and goals rather than in the form of detailed criteria usable as guides for making specific decisions in everyday problems. Thus, there is always tension between given divine imperatives and human understanding of the best ways of responding to them. The soaring heights of prophetic insight did not prevent the prophets themselves from fumbling badly in their own private lives.

This tension is intensified in the activities of organized religious groups by virtue of the fact that large numbers of adherents coming from contrasting social backgrounds inevitably multiply divergencies of opinion. The threat to other-worldly values thrust into this-world social structures is that they remain disembodied while members disagree about the speed with which they should be pursued or even whether or not they are attainable at all. Spiritual values must remain in constant tension with life-as-it-is-lived, inspiring while reproving, goading while restraining, magnetizing while generating discontent. Neither great religious traditions nor men of high spiritual stature can be free from these tensions.

It is a part of the Judaeo-Christian understanding of history that God works through nations and peoples as well as through individuals. Those religious groups which are nationwide in the range of their constituencies and in the scope of their interests have inescapable spiritual responsibilities toward the national life. Since, by virtue of their geographical representation and organized strength, they are in a position to press for the values which they claim the right and duty to champion, they are *obligated* to do so. To default this function would be to repudiate an essential aspect of religious conviction. Because of their size and capacities, the judgments of organized religious groups can be of major importance in influencing public opinion in all aspects of social relationships. For this reason it is of vital consequence that they remain aware of the tensions between the ultimate values on which they stake their existence and the best methods of pursuing them in contemporary society. Maintaining a proper balance in this tension protects them from two extreme disasters of absolutizing their judgments or doing nothing at all.

THE CRITERIA FOR ETHICAL BEHAVIOR BY ORGANIZED RELIGION

There are a number of ways by which to analyze the ethical dilemmas of organized religion. At the risk of oversimplifying a far from simple situation, I shall state and defend the following thesis: *Organized religion acts unethically and betrays its mission to society whenever it soft-pedals or compromises its prophetic role for the sake of institutional self-preservation, prestige, or power.*

My background as a "church bureaucrat" leads me to select examples of ethical issues most closely related to my own experience and concerns. These must not be regarded as inclusive or as necessarily at the top of the hierarchy of current problems. As I am not a specialist in the formal discipline of ethics, it should evoke no surprise when I illustrate my point with instances most familiar to me.

The prophetic role versus institutional self-preservation

Probably the most knotty problem of organized religious groups is that of dealing with "saints", who are sinners. Martin Luther described the Christian as one who is simultaneously "righteous and sinful": righteous in that he has received forgiveness and a new life in Christ, yet sinful because he still often yields to temptation and needs daily repentance and forgiveness. It is not the duty of the church to expel sinners; there would not be anyone left! Membership requirements for most religious groups include belief in God, acceptance of divine will and authority, and sincere intention to conform to the standards and pursue the values set forth in the respective traditions. Implicit in all this is the assumption that religion has a teaching function, that spiritual insights will grow and moral fiber will de-

velop in the course of participation in the life of the ecclesiastical community.

But what happens when influential adherents attempt to stifle the prophetic voice of religion, threatening to withdraw financial support or to force out the spiritual leadership which embarrasses them by exposing their violations of justice or love? This happens all the time. Many a clergyman lost his pulpit in the early part of this century because he publicly opposed child labor or pleaded for social justice. One should not condemn the religious leaders in the deep South today who cannot persuade their overwhelmingly segregationist memberships to support civil rights in their communities—one should sympathize with them! As one pastor put it to me:

If I press for conformity with the Supreme Court decision I will be forced out, and a successor will be found who will go along with the segregationists or keep quiet. These are misguided people who need someone to prod their consciences persistently within the limits of their willingness to listen. Little by little, I'm sure, we can get them to understand the Gospel in a new light. Should I run away and leave them to someone who will say only what they want to hear? It would be a lot easier for me to wash my hands of it all, but how can I?

It is easy to detect the tension in this issue, but not so easy to pinpoint the proper balance in it. One thing is clear: religion which abandons its prophetic role for the sake of institutional survival forfeits its reason for existence. It betrays a lack of conviction as to its rootage in divine will. This is not to say that the method and timing and focus of the prophetic function may not vary according to circumstances—indeed such flexibility is desirable. But the temptation always is to procrastinate indefinitely or to generalize in such empty terms as to give the impression of moral

indignation without clear specification of moral disobedience.

In short, while religious groups must remember the limitations of their human judgments, they dare not be silent over injustice, deceit, greed, and like destroyers of human personality and well-being. When facing the opposition of their own adherents, they must maintain a healthy tension between advocating ideals which are never fully attained but which must nonetheless be proclaimed, and pressing for persistent efforts to attain them—constantly teaching, reproving, reconciling, inspiring, and encouraging. When organized religion fails at this point it forfeits its birthright and renders a disservice to society.

The misuse of power

The hunger for power is a universal human trait, and religious groups are not immune to it. In fact, they ought not to be indifferent to it, for religion bereft of a dynamic which generates the power necessary for the development of personality potential is worthless. Saint Paul wrote to the people at Corinth: "The Kingdom of God is not a matter of talk but a matter of power." However, this power appropriate for religion is a power arising *from within* and not one imposed *from without*.

Because, by its very nature, religion is a matter of faith and conviction rather than of imposed conformity, the all-too-frequent attempts on the part of some groups to have imposed on others, through legislation or otherwise, practices which arise out of particular religious convictions, seem senseless. The late Dr. John Baillie once related that in a discussion about the merits of compulsory chapel attendance at a university he had been asked whether compulsory religion was not better than no religion. His reply had been that his mind was not sufficiently keen to be

able to detect the difference between the two. This sage remark comes to mind when one considers the contemporary issue—not a momentous one, but nevertheless significant—with respect to compulsory chapel attendance at the United States military academies. From the standpoint of religion itself such a practice, on the whole, is wrong in principle, regardless of its effect upon particular individuals. Yet some church groups refuse to criticize it, thus, by implication, favoring the use of force for religious ends.

Related to this particular issue is the propriety of organized religion acting as a pressure group to influence political decisions of government or economic changes in society. Here again can be seen the tension mentioned above. One must distinguish between values and goals proclaimed by religion and social patterns and procedures by which men may move toward their fulfillment. Intelligent men of integrity honestly disagree on these methods and procedures, and a religious group is stepping out of line if it purports to speak authoritatively and say the last word with respect to a given solution. Everyone is against injustice, but there is a diversity of opinion as to its remedy in specific areas of human relationships. Truth is never decided by a majority vote; nevertheless, in a pluralistic free society, nothing will be accomplished if total consensus is required as a condition for action. It is a proper function of organized religion to work for higher levels of statesmanship and morality in majority-determined policies. One way is to foster dialogue on the subject of justice in the political, economic, and social realms so that its insights may strengthen the inner conviction with which men may function responsibly as citizens in our society.

A caveat at this point: it would be extremely unethical were organized re-

ligion to use its vast influence and power to secure legislation which would impose upon others practices which stem from revealed truths held by a particular group but which do not commend themselves to mankind upon other grounds. American history is full of instances of the use of this kind of ecclesiastical power from Sunday blue laws, to the Volstead Act, to antibirth-control legislation. By no means do I suggest that organized religion should abrogate its right and its duty to press for those values which it believes essential for the fulfillment of divine purpose in human personality. I simply insist that it is unethical for organized religion to substitute outward compulsion for inner conviction, something which has happened all too often in the past.

The hazards of partnership with secular institutions

Another area where the dilemma of organized religion can be illustrated is that of co-operation with other power structures in society to achieve goals which to some degree are mutual. As stated above, religious groups in our country have social responsibilities which they cannot evade. Religion is concerned with the whole man—no churchman today is so naïve as to think that it is legitimate to concentrate on men's souls while being indifferent to the health and well-being of their minds and bodies. It is in the Judaeo-Christian tradition that man should love God "with all your heart, and with all your soul, and with all your mind, and with all your strength." Religious organizations have an obligation to co-operate with other institutions in society for the common good whenever and however it lies in their power to do so. This brings complications and hazards which are not readily apparent. There is always the possibility that religious groups will try

to use other groups during the course of this partnership for their own special goals. Simultaneously, there is the likelihood that religious groups will be used by others which have entirely different motives, to achieve goals which religious groups could not properly espouse.

A case in point which is quite controversial is that of the use of public tax funds for church-sponsored or church-controlled welfare or educational institutions. Virtually everyone admits that religious organizations cannot properly expect government to finance their work; at the same time there seems to be growing consensus that where religious groups are performing public services which are not distinctively related to their spiritual functions, they should be treated like any other organization in regard to government grants and not be discriminated against because they are religious. (One might ask whether *anything* a religious group does is not related in some way to its spiritual functions, but this is another question.)

Striking a balance between these two attitudes involves tension. I must confess that I do not know just where the line should be drawn, for I am convinced that no legislation can be sufficiently detailed to cover all of the instances where the activities of church and state overlap and may involve the use of public funds. Again, one would expect that organized religion will act always with integrity. It cannot on the one hand claim that it is active in education and welfare to bear testimony to its loving concern for man and at the same time ask the general public to pay the bill for that testimony or even for a part of it. It cannot tell its own constituents that they must support schools and welfare institutions to provide services in a religious context but then testify before legislators that the religious factor is negligible and can be separated

in financial accounting from the other functions of the institutions. Such a course seems to me to be quite unethical and unbecoming the character of any religious group.

THE PROS AND CONS OF PARTNERSHIP

The inescapable fact is that when religious groups engage in partnership with other structures of society inevitably there is interaction by which each benefits from the other in the process. It is up to religious organizations, which should be particularly sensitive on this point, to see to it that such benefits are only incidental by-products rather than planned objectives.

An excellent illustration of this dilemma is one stemming from the distribution of government surplus commodities by religious organizations for overseas relief. The United States government requires that such commodities be given out freely on the basis of need without regard to race, color, or religion, and that an American citizen in each area certify that the supplies have been thus distributed. Although its stated motive is humanitarian, the fact is that anything done by government is bound to have political overtones. Those in the recipient area may well assume that a government's objectives are never purely humanitarian and that a religious group handing out such surplus commodities is an agent of the United States government. What should a religious group do? Should it risk its reputation and the possibility of losing the confidence of its overseas counterparts by co-operating with the foreign policy of its government in assisting needy people, and relegate its other concerns to a secondary position? Or should it protect its image as a non-political agency in order to fulfill its primary functions, at the cost of ignoring physical suffering?

Still another problem arises. Some religious organizations which secure from 50 per cent to 90 per cent of their relief supplies from the United States government also are heavily engaged in missionary activities in the areas where the commodities are being distributed. Even though it might be regarded as an instrument of government, the ability of any religious group to dispense food, medicine, and designated funds to suffering persons brings it enormous prestige. The temptation always is to enlarge the relief program by the use of United States government commodities in order to increase the effectiveness of its evangelistic outreach. Here another choice must be made: Should a religious group expand its relief program with the use of government commodities as much as possible despite the fact that such tax-supported endeavors improve its stance in the extension of its religious activity, or should it set a limit to the percentage of government commodities which it will accept in relation to the resources secured from its own constituencies, thus lessening its vulnerability to the charge of buying souls with relief packages?

Unfortunately, there are no clear-cut answers to these questions. Again, it seems to me that the solution must be pragmatic and can be found only by evaluating each instance and acting with utmost integrity. One must face the fact that religious groups co-operating with government *are* to some extent instruments of government even though their motives and goals may be different. One must also acknowledge that such partnership benefits both parties. The tension will always exist. The question of ethics arises with respect to the balance which is maintained. If at any time a religious group leans so heavily upon government resources that its instrumental role overshadows that of its own witness for which and by which it

stands, it is acting unethically. On the other hand, if it is so timid about being misunderstood with respect to its motives and relationships that it lets people starve rather than use government commodities to feed them, it betrays one of the essential elements in its tradition. It is possible to find a middle way by recognizing the tension and keeping it in balance. The key to it all is integrity accompanied by public acknowledgement of the facts in each case.

Still another instance of the danger that religious groups will become instruments of other power structures must be mentioned; it is as old as the history of religion itself. Karl Marx was a "johnny-come-lately" when he claimed that religion was the opiate of the people. For thousands of years kings and tyrants have used religious traditions to uphold their rule and to maintain the status quo for the privileged among society. The practice has by no means been discontinued. Among the discouraging exhibitions of our time has been the way in which some religious groups are used by those elements in society which oppose social progress and seek support for the economic status quo. It is tragic, for religious groups above all others should be sensitive to the selfishness of man, knowing from bitter experience that he will not of his own volition readily yield up a position of privilege. Therefore, they should be constantly pressing for improvement in human relationships and social justice. Many who do—and I mention the National Council of Churches as a prime example, as I serve on many of its committees—are attacked by other religious groups as being Communist-infiltrated and -motivated, a charge which is so ridiculous as scarcely to merit attention, and yet which too frequently has been taken seriously by uninformed persons. To become such instruments of power structures is bad enough; to forsake

the prophetic role while being used for such ignoble purposes is worse.

THE CREATIVE TASK IN PURSUING ETHICAL VALUES

Having said all this, I am aware of the fact that my perspective has been gained from the standpoint of one who has wrestled with daily problems stemming out of the past and may not necessarily be relevant to the problems which rush headlong upon us from the future. Corresponding with me about this matter a theologian wrote:

The primary fact of modern existence is that man lives in a novel human world, a brand new technical world, a political world for which all historical precedents have a severely limited pedagogical value. His placement within the technical city rips continuity of tradition into pieces; and the continuity of feeling, thought, practice which shall serve him with guidance and support, must be forged afresh. The very agenda of ethical situations is both changed and enlarged. The kind of confrontation and intersection in which the ethical emerges is as startling as it is frustrating . . . the kinds of ethical decisions demanded by genetic science—cybernetics, automation, etc.—are not even stateable in terms of older ethical systems. Ethics is presently probing-toward-justice rather than deductive judgments demonstrably ethical. As Roethke, the poet, says, "We learn by walking where we have to go." Perhaps we shall only learn relevant ethics when, in doing what we must, we learn what we ought

There is truth in what he says—disturbing truth. Every culture seeks stability and security and is rudely shaken when it can no longer depend upon the lessons and mores gained from the past. But it is not the whole truth. To say that "all historical precedents have a limited pedagogical value" is almost like saying that our ship is in dangerous uncharted seas with an erratic compass. Yet we still have the stars, and the port has not changed. There is a lot of difference between *drifting* and *probing toward*. The "must" gains its force only from the values which determine it. The cryptic statement of Christ: "Whosoever would save his life will lose it, and whosoever loses his life for my sake will find it," illustrates forcefully the interaction between the "must" and the "ought."

In this situation the service of organized religion remains indispensable. It must continue to insist that man is created in the image of God and that he must not settle for the status, habits, and appetites of an animal. To be true to its character as the mediator and champion of divinely ordained spiritual values and to goad and guide men in the tension between the lofty ideal and the down-to-earth process of becoming—this is the ethical task of organized religion. It makes mistakes and has its faults; this is to be expected. What could not be condoned would be for it to forsake its prophetic role.

Journalism: Public Enlightenment or Private Interest?

By JOHN TEBBEL

ABSTRACT: Journalism in America occupies a unique position because it is protected by the First Amendment to the Constitution, which by implication gives it a public responsibility. The dilemma of the publisher, however, is that he is also a private businessman who must make a profit to survive, and in the conflict between public enlightenment and private interest, he is found too often on the side of the conservative business interests which sustain his newspaper and whose viewpoints he usually shares. Advertising and public relations have come to dominate the output of the press, in many respects. In government, newspapers have become particularly the willing partners of the image-makers. Advertising dominates the magazine business even more completely, while broadcasting has government regulation to contend with as well. In sum, the public interest and the responsibility of the media have been the victims of economic pressures which have made the private interest paramount. In spite of some advances, the outlook is not hopeful.

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NO sector of American public life is more sensitive to criticism of its motives and performance than journalism. The reasons are obvious. None is more in the public eye, and none has the special protection and responsibility conferred upon it by the Constitution. Journalism is at once privileged and, theoretically at least, held to account.

Unfortunately, as in so many other aspects of our society, the Constitutional guarantors of a free press did not foresee—nor could they be expected to—the tremendous change brought about by the creation of a technological society, which began with the Industrial Revolution of the late nineteenth century. This change has compelled us to amend the Constitution time and again since the Bill of Rights became law in 1791, adjusting the dream of a democratic and agrarian United States held by Washington and Jefferson to the reality of an oligarchal and industrial society.

Journalism, like every American institution, has been profoundly altered by this revolution, yet in one important respect it remains substantially the same. When the Prussian minister, visiting Jefferson in his office, saw an opposition paper on the President's desk, attacking him in the most scurrilous terms, he protested, "Mr. President, why do you permit such libels?"

"Put that paper in your pocket, Baron," Jefferson replied, "and should you ever hear the reality of our liberty, the freedom of our press questioned, show them this paper—and tell them where you found it."

Newspaper journalism still enjoys that freedom, which the First Amendment continues to protect. It has been a much abused freedom. Few leaders of the Western world have taken so much abuse from their countries' newspapers as American presidents. Washington, Jefferson, and Adams suffered from it.

Lincoln, Wilson, and Franklin D. Roosevelt endured the worst assaults. It is no accident that the presidents with the highest liberal ideals have been the primary targets; from the beginning the American press has reflected the conservative interests of the conservative business community. Liberal editors and newspapers have always been a pitifully small minority, although their influence has sometimes been disproportionately large.

Yet we defend the Constitutional guarantee which gives the press the right to say anything it pleases within the limitations of the libel laws and reader acceptance, nor does any responsible person advocate abridgment of that right. It is being abridged, nevertheless—directly by the unions, indirectly by the government, and most of all by the publishers themselves, who too often put expediency and profit ahead of responsibility.

It should be made clear, however, that the responsibility does not lie with the publishers alone. Even in the unlikely event that they suddenly embraced with sincerity and passion the high principles they have been enunciating for more than 150 years, and insisted on making them work, they would be powerless to do so. For the corruption of responsibility comes from without, not from the personal character of the men who own and operate newspapers. In the conflict between expediency and profit on the one hand, and responsibility on the other, the publisher seldom has any real choice.

The paradoxical villain of the piece is advertising. It is simultaneously the lifeblood of journalism and the unconscious determinant of its moral tone. During the nineteenth century and well into this one, circulation was the critical factor in a newspaper's existence and newspapers were directed by strong-willed individuals who assumed personal

responsibility for what they printed. Circulation is still important, of course, but advertising has slowly in this century come to be the dominating element in a newspaper's life.

This does not mean that advertisers exert a direct control on newspaper policy, as some people believe, nor that advertising itself is inimical to the public interest. Its essential values are well recognized. But an advertiser does not have to threaten a newspaper with cancellation if a publisher fails to do thus and so; such instances occur, but they are isolated. No threat is necessary because, in most instances, the interests of the advertiser and the newspaper are identical. Advertisers constitute the business community, and the newspaper itself is a business institution, a part of that community. They have a common enemy: any politician whose beliefs threaten the interests of the business establishment.

As this communality has been more and more recognized, there has been less and less resistance on the part of publishers to the growing role of public relations in the publication of newspapers. The press today is utterly dependent on the public relations industry for a major portion of the type in its columns. Only thirty years ago, young reporters were trained to regard the press release as something either to be thrown in the wastebasket (preferably) or to be completely rewritten. While the best papers are still self-respecting enough to rewrite, most shovel releases into the empty columns with no more change than a headline. Real estate pages, women's pages, entertainment pages, financial sections, local news—not a section escapes. More rewriting may go on in Washington and foreign capitals, but the ubiquitous press release is everywhere triumphant. It is a melancholy fact, moreover, that reform is impossible. To cover the news sources that

the public relations business embraces would require a staff far larger than any newspaper could afford.

Most of the public relations output is legitimate information, conceived or actually written in many instances by former newspapermen. It performs a useful and, in some instances, an essential function. The important fact about it, however, is that in every case it serves a private interest. While the business-community public relations people may sincerely believe that the private and the public interest are identical—"What is good for General Motors . . ."—this is a proposition founded more on doctrinaire belief than on fact.

Here we come to the crux of the matter. Newspapers are obligated by inference, through their special Constitutional protection, to represent the public interest. Often they do. The records of the Pulitzer Prize committees, for example, are replete with instances of outstanding public service to the communities that the newspapers serve. But for every Southern editor who defies the bigots, or Northern publisher who resists reaction, or newspaper anywhere that roots the rascals out of City Hall, there are hundreds engaged in defending the status quo, or taking no stand that is at all calculated to offend anyone. When they do take stands, newspapers often pride themselves as the watchdogs of government in the public interest, but somehow, for the most part, it appears to be Democratic governments that they are most concerned with watching, no matter what the public interest may be.

To take a single vital area of public interest, housing, the same newspaper that attacks slum lords or corruption in the city buildings department sees nothing inconsistent in using the news columns of its real estate section as an extension of the advertisements, which

themselves would never stand even the most elemental tests for truth in advertising. The endless circumlocutions and blatant lies of real estate advertising are carried over into the news columns and presented uncritically as information. Most of the real news in real estate is simply not covered at all.

It is the same story in every other area where the public interest is deeply involved—education, food, medicine, law, what you will. The newspaper defends the public interest, if at all, only when that interest is being clearly and directly attacked in public. Many times the defense is hypocritical. For example, political hacks and incompetents are constantly appointed or nominated to judgeships, a process accepted as part of the normal corruption of American life, but if such a nomination is proposed by prominent Democratic politicians, every Republican newspaper is whipped into a frenzy of virtue. If the serious ills of bar and bench were a real concern of the press, as they are to the public which suffers from them, there would be enough to occupy the front pages of newspapers for years to come.

In government on the national level, the purported watchdogs have permitted themselves to be used by what has become the most efficient public relations organization in the world. The same papers that deplore management of the news would not hesitate to use a planted story by the White House or a government agency if they were guaranteed an exclusive. The constant creation by government of news that is not news in order to keep the president continuously before the public in the best possible light is justified in the press by the contention that everything a president does is news, a doubtful proposition at best. Ironically, a substantial part of the real Washington news never appears in newspapers. It becomes common conversa-

tion in the press rooms and in the capital's various watering places, until fact and fancy are inextricably mingled. Sometimes the truth or a part of it emerges in the memoirs of correspondents, but the Washington of the news columns and the Washington of reality are far apart. Correspondents and editors know the difference, of course, but the protection of news sources, the conventions of publishing, and other ultimately irrelevant factors keep the shades pulled down.

Obviously, the public interest is not being served by newspapers in a number of vital instances—perhaps is not served at all except as the press acts as a medium for conveying advertising information and as a community bulletin board, in both of which activities it excels and is essential. Have the newspapers, then, willfully abdicated their responsibility to be the organs of public enlightenment and education, a necessary part of the democratic process?

The easy answer would be yes, but it is not so simple. There is another side of the story. The publisher has a public responsibility, but he is also a private businessman. Similarly, the automobile-makers have a public responsibility, in theory, to make cars which are the safest possible and whose exhausts minimize or eliminate dangerous combustion gases; yet as private manufacturers they cannot be compelled to do so unless Congress or popular pressure forces them to it. As a private businessman, the publisher is confronted with the same pressures as others of his kind, foremost of which is the necessity of making a profit if he is to exist.

In these days of large, sometimes grossly excessive, corporate profits, it is easy to forget that the print media have always lagged far behind in this respect. True, fortunes have been made, but they have been relatively small and spectacularly infrequent. Hearst, the

richest publisher of them all, began with a \$37 million inheritance from the silver-lode fortune of his father. Those fortunes made from scratch have been extremely modest, not to be ranked with those made in industry or in Wall Street. The profit margins of most newspapers are more like those of a small businessman than of a major entrepreneur. In no case are they large enough to withstand severe fluctuation downward, over any period of time.

One reason is that publishers must deal with one of the most militant unions extant. (The first strike in America, which occurred during the Revolution, when the public interest could least afford it, was a printers' strike.) When only craft unions were involved, this militancy was manageable, but since the rise of vertical unionism, the printing trades have been capable of closing up or putting out of business any newspaper they choose to challenge. It is a fact of life that unions are operated for the benefit of their memberships, and not in the public interest. As they have demonstrated in the newspaper business, the printing unions are not at all concerned with the continued existence of any individual newspaper, and they view with contempt or complete lack of interest the public's right to be informed. For this abuse of power, the public is partly to blame. It makes no protest when its rights are abridged, when the democratic right of a whole community to be informed by the press is abrogated by a handful of men in their own selfish interest.

The publishers find themselves, consequently, caught in a cost-price squeeze whose outcome is still in doubt. There has been steady attrition in big-city dailies, and a concomitant rise in small community papers concerned only with the advertising and bulletin-board functions of the press. The advent of auto-

mation, which represents the economic salvation of newspapers, has only precipitated a showdown battle between the unions and the press in which the chief victims thus far have been the publishers and the public.

In his effort to preserve a margin of profit in the face of steadily rising costs, the publisher must try to obtain even more advertising. Circulation has definite limitations in any given market, nor can he raise his prices as much as the other print media have done. The man who once paid a dime or fifteen cents for a magazine may pay fifty cents or more today without complaint, but he pays it only once a month. The weekly magazines have enjoyed a much less substantial increase, and the newspapers remain the biggest bargain in America because their predominantly middle-class and lower-income readerships will not pay more.

Advertising, then, is the answer, and the more the publisher struggles to keep himself afloat by this means, the more he finds himself closely allied with the business interests which make advertising possible. His concerns, more and more, are their concerns. Consequently the newspaper becomes less and less a protector of the public interest, or responsive and responsible to it—if, indeed, it ever really was.

The publisher takes on the protective coloration of his environment. This was never better expressed than by the critic of newspapers who wrote:

The most serious danger that menaces the freedom of the American press is the obvious anxiety of rich publishers about the freedom of the press . . . The publisher is not bought like a chattel. Indeed he often is able to buy those who are suspected of buying him. But he takes the color of his social environment. . . . The average publisher is pretty generally against organized labor. He is too often found opposing the government control of public

utilities. He instinctively fears any regulation of the stock exchange. The right to strike seems to the rich publisher and his Chamber of Commerce friends to be sheer anarchy. It is inevitable that the managing editor and editorial writers who want to hold their jobs take their professional views and get their professional slant from their boss, the man who signs the payroll check. . . . It often happens, alas too often, that a newspaper publisher, reflecting this unconscious class arrogance of the consciously rich, thinks he is printing news when he is doctoring it innocently enough. He thinks he is purveying the truth when much that he offers seems poison to hundreds of thousands of his readers who don't move in his social and economic stratosphere.

Are these the words of some left-wing radical? Hardly—the writer was William Allen White, a conservative publisher and a power in the Republican party, who had a good deal to do with getting Herbert Hoover nominated. The year his words were written was 1939. Twenty-seven years later there are fewer rich publishers, and they have much more reason to oppose labor than they did then. But in other respects they are little changed except that by this time attitudes have solidified. They have been solidifying ever since Charles Anderson Dana brought business into newspaper practice, just after the Civil War.

The situation in other forms of journalism is even more depressing. Advertisers own the other media, body and soul. Newspapers sometimes print things that offend advertisers, and a few of them oppose the interests of business, but no mass circulation magazine does so. Only the small and largely subsidized journals of opinion dare to say what they think. Magazines have become more and more an entertainment medium. Even the informational pieces which have become so large a part of their content have to be so tricked out

with angles and gimmicks to sell the magazine that the information, if any, is hard to find. With a few honorable exceptions, the magazine business is also filled with more humbug to the square inch than any medium except television. When it does something truly in the public interest, like the simultaneous release in seven leading women's magazines of an interview with President Kennedy on the subject of what women could do to work for peace (an idea conceived by Robert Stein, then editor of *Redbook*, now of *McCall's*), the event becomes news in itself.

As an advertising medium, however, magazines are indispensable, performing nationally as the newspapers do locally. It is a bizarre commentary on the original conception and position of magazines in our culture that more than one periodical today is read for its advertising rather than its editorial content. The ads, whatever their quotient of truth may be, offer originality and imagination, freshness and variety, all qualities which are conspicuously missing from tired or uninspired editorial formulas.

But, again, where does the public's interest lie? Where is the responsibility for public enlightenment? A few of the magazines have made significant contributions in that direction, while at the same time, in other pages, contributing to the dreary flow of pseudo-information which forms so much magazine content. The magazine writer himself, no matter how conscientious he may be as an individual, must conform to the pattern and think in terms of salable ideas, regardless of how meretricious they may be.

As for television, its problems are equally inescapable. Those who complain about its content should remember that the broader the base of any medium the lower its cultural level is

bound to be, and television is based more broadly than any of the media. Its advertising as well as its programming is geared to an audience far larger than the others.

But what about its public responsibility, for which so much was hoped and dreamed when it was new and there was talk of television's almost infinite capacity to educate and enlighten? The television entrepreneurs assert that the public does not want to be educated and enlightened, and they may well be correct. It is undeniably true that most public affairs or cultural programming achieves ratings which are pathetically low. Few programs with even a modicum of intellectual content can be sold to a sponsor, therefore, and so they are relegated to the time ghetto of Sunday morning or afternoon. News on television becomes the fifteen-minute summary at the end of a prime-time evening, or on radio, the five-minute every-hour-on-the-hour capsule, its essence captured in the phrase "hopscothching the world for headlines"—disaster and trivia, Washington and Hollywood, tripping on each other's heels at the same voice level, with the same emphasis.

Whenever television and radio are enterprising enough to make an attempt to fulfill their responsibility, the results are not encouraging. If sponsorship is involved, advertisers and stations react with terror to any crackpot with a pencil or typewriter, and the most absurd alterations are made, if outright cancellation does not occur. If there is no sponsorship, as in editorializing on the air, there is the politician to fear. The Federal Communications Commission (FCC), which licenses the air under the government's curious premise that it is somehow different than ink and paper as far as the right to control it is concerned, has encouraged station owners to editorialize, as newspapers do. A few have done so, with encouraging

success in stimulating civic reforms. Others have contented themselves with rousing endorsements of Arbor Day. Nearly all have had to keep a wary eye open for the possibly offended Congressman who may complain to the FCC or even bring covert pressure to bear in the matter of license renewal. Broadcasting as a whole, however, has showed little inclination to exercise any responsibility toward the public—increasingly so with the departure of such crusaders as Edward R. Murrow.

In sum, the outlook for the public interest where journalistic media are concerned is not hopeful. The steady decline of big city newspapers and the concomitant rise of a prosperous but socially supine suburban and small-town press offer little promise. A few of these smaller papers have demonstrated what could be done by a press conscious of its responsibility and determined to implement it; the others are little more than glorified shoppers' guides. Magazines are growing steadily more affluent, but while there are promising outbreaks of responsibility here and there, the tendency is to entertain at any cost. Broadcasting offers little hope as the size of the television audience grows, but it must be noted that FM (Frequency Modulation) radio and educational broadcasting have been carrying the banners of responsibility for journalism's richest medium, FM radio with some commercial success and educational television with the help of subsidies.

In the end, one supposes, public enlightenment and responsibility will transcend private interest only if the public demands it. At the moment there is no reason whatever to believe that it will. On the contrary, the mass audience reached by the print and electronic media appears satisfied with the kind of journalism offered to it. It makes little distinction between good and bad,

and seems not to care whether it is informed. This is only another reflection of the unawareness and mediocrity in American life noted by many observers of the social scene.

An argument can be made for the proposition that a slow progress has been taking place in the last two decades; the so-called "culture explosion" is often cited as proof. In journalism, the rise of science and education coverage in some newspapers, the popularization of science and history attempted

by mass periodicals like *Life* and *Look*, and the very existence of television documentaries all contribute to the idea that public enlightenment and private interest are not mutually exclusive in mass media journalism. It may be so, but as the mass audience continues to increase, it will have to be demonstrated that in the new technological society history can be reversed, the level be made to rise instead of fall, and the prospective enlighteners be themselves enlightened.

Public Entertainment and the Subversion of Ethical Standards

By GILBERT SELDES

ABSTRACT: The entertainments provided by the mass media are like the epic, the ancient theater, or the novel in that all present fiction which is received as truth. The new are more persuasive than the old because of the technological changes in the means of production and dissemination, because the line between the real and the fictional is blurred, and because, for economic reasons, the formation of habit, as well as a dulling of the critical faculties, has become desirable, especially in commercial broadcasting. The patron of the entertainment likes what he gets, without question, and certain of his wants are satisfied. There is, however, little effort to enlarge the range of satisfactions, and so much is given that such wants as are more difficult to satisfy and such satisfaction as can stir intelligence or criticism are generally neglected. By inducing inertia, the mass entertainments may contribute to the specific abuses of which they are often accused, such as incitement to violence or indifference to a strict sexual code. But it is their failure to serve the independence of mind of their followers, to stir the critical faculties, that is more serious.

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THE producer-provider of entertainment naturally tries to set himself apart from the producer of goods and the provider of service. Even if the final transaction is the sale of a commodity, a comic-book, for instance, the relevant laws and customs of the country are not those applicable to the sale of a can of beans. In the latter case, the responsible individual may be fined if he has used a poison as a preservative, but no one will send a publisher to jail because his comic-strip version of *Huckleberry Finn* corrupts the perfect original. When we move from print and picture to the newest of the media of entertainment, we find obscurities more complicated still: given a sponsored television program, at what point does the citizen enter the transaction, from whom is he buying what, and how does he pay?

Several years ago, I proposed a reasonable detour around these questions, taking the intricate relation between a man and his television set as my base: as soon as a set is tuned in to a specific program, a contract comes into existence. "Something of value" is given by the man who chooses the program, and the producer-sponsor-network-station, considered as a unit, agrees to deliver a (more or less) known quantity and quality of sound and image. To my surprise, the second element was relatively acceptable, perhaps because it is so hedged in and conditional. That the man gave something of value, his time and attention, was thrown out of court.

This is literally true. I had developed my idea of a contract, which provides a firm footing for direct action on the part of a citizen, from the legal action taken by the Federal Communication Commission (FCC) against *Stop the Music*, on the ground that it was a lottery. If you answered the telephone and identified the melody then being

played, you got a prize. A lottery cannot exist unless "a valuable consideration" has changed hands, and the FCC neatly defined it as the time and attention of the person observing the program and answering the telephone—as well as of the millions of people who were not called. The Supreme Court did not accept this, and one Justice, concurring, said that some people watched programs out of "vacuity of mind." It is beyond the power of the FCC or of the Court to say that programs serving such a purpose are not conducive to the general welfare, and, consequently, the transmitting station cannot be convicted of breaking its major contract: to operate with due regard for the public interest.

No assumption of wrongdoing needs to be made. We look for the channels of protest when malfeasance does occur because they are signposts to the *kind* of undesirable service each of the various forms of entertainment may render. This is parallel to basic Marxist doctrine: as he considered the modes of production and exchange to have a decisive influence on the essential character of society, we may speak of the conditions of production and diffusion. And the question "How can you change what you do not like?" is a guide to the systems by which we get what we get. They are not all alike. Some of our entertainment we get only if we are trained or educated to receive and appreciate what it brings. Fifty years ago, one would have been safe to use whatever was in print as an example, but today we have poets' recordings of their own works (and not always rendering to us what we had imagined the poems signified). There are the entertainments for which we must go out: a new play, a new movie, and (properly speaking) all those movies using techniques not adaptable to television; those sports which are not telecast; sym-

phonic music and opera which, again, are so special that we believe we cannot appreciate their essential virtues unless we are in the presence of the performers; and certain works of art (as, for instance, most sculpture) which suffer a serious deterioration when reproduced. And there are others.

On the other side, there are sources of entertainment which enter our homes: the revolutionary kind of entertainment begun by radio and continued by television. These, in effect, we cannot enjoy *unless we stay home*. I emphasize the four words because, beginning with premotorcar radio, a new element came into our lives. We might have formed a domestic string quartet or played charades, but, for the first time, professional, very expensive attractions were offered to us *at home*—which means, among other things, not only that we were psychologically “not dressed up to go out,” but that in every country the entertainment was surrounded by the day’s news, and in the United States by the names and pictures of everyday commodities, recommended on the commercials. The reality of a dime novel had to be self-persuasive; a Western on radio or television came to us where we lived and was surrounded by the actualities of war, depression, elections, and whatever else seemed real to us at the time—and, in addition, we were virtually in the presence of our motorcars and hair lotions and the components of tomorrow’s breakfast. We now see that if a fraud has been perpetrated, if the consumer gets less than he had been led to expect, the conditions of his reception (or acceptance) of the substitute are decisive. If a promoter shares in the profits of a “fixed” prizefight and the citizen has paid his way into the arena, the right to sue is clear. Does the man seeing the same bout on television enjoy the same right? For years, wrestling

matches were shown on television in which the groans and heavings and threshings were all faked, and this was widely known. But the fixing of the quiz shows was a surprise, offensive to the moralist, taken in stride by the general public.

The marked lack of deep and widespread indignation about these shows can be considered a failure of the moral sensibility, and the inevitable question is whether entertainment, taken as a whole, created or significantly contributed to that failure. Has it also persuaded the citizen that he has little right to protest and even less chance of making his protests effective?

My answer to the second question is an unqualified Yes, and I should add my judgment that inducing inertia by diminishing the intensity or the area of critical protest is, itself, against the general welfare, and the problem is a moral one. This might be taken as an indication that the answer to the first question is also Yes, but other factors are involved. No strong tradition of protest against the *quality* of entertainment has come down to us; the vociferations at the premiere of *Hernani* and Dadaists shouting “merde” during the whole twenty minutes of a ballet seem exotic to us, if not childish. We feel that protest comes with authority from the pulpit (which has discovered that this may give life to a show otherwise doomed), and no massive objection has ever been made to police interference with the exhibition of a movie—in both, an offense against decency is always alleged. We would be astounded if a preacher told us to avoid a play because its plot was ill-constructed or to tune out a situation comedy because the actors were becoming stale.

Essentially, I would say, it lies in the capacity which the mass media have of inducing an unconscious or unwilling, rather than a willing, suspension of dis-

belief. We must remember that Coleridge spoke of a willing suspension "*for the moment*," but the unaware observer, who believes that what he sees is actually happening or is a report of what happened, carries that conviction beyond the present. Thousands of gifts were received at radio stations when the leading character in a serial was supposed to give birth to a baby; women wrote letters to another heroine to warn her of the infidelity of her husband; women gossiped about the people in serials as they gossiped about their neighbors. (As a part of grateful recognition of this form of loyalty, the actual pregnancy of Lucille Ball was woven into the plot of her weekly series, *I Love Lucy*.)

In one aspect this can be taken to mean merely that the illusion created by a skillful work of the imagination persists, and it is not only the simple-minded who feel that they know Micawber better than some sponging relative of their own; an intelligent adult may feel that he has experienced intensely the turmoil in the mind and heart of Hamlet and has been only superficially touched by what he heard while on jury duty from a murderer. At the other extreme, most of us identify as a symptom of madness the inability to distinguish between the real and the imaginary. For a balanced judgment, we must know how the new mass entertainments accomplish their effects, and we can quickly become aware of one significant element by comparing what we now have with entertainment in the past.

For the Western world, Greece and Rome provide the past, and we find two kinds of "show" in each: the Olympic games and the theater in one, the theater and the gladiatorial arena in the other. One thing instantly appears: a significant difference coupled with an even more significant likeness. We

judge by what has come down to us that the drama in Greece was a transmutation of myth, and in the Roman comedies came closer to what we would call realism; the Olympian games, for all the competitive elements of physical prowess, were sacred festivals and offered none of the brutality and bloodshed of the arena. Those are the points of difference. But in both Greece and Rome, the theater and the actual event were distinct one from the other.

Christian Rome naturally put an end to the gladiatorial games, and, while the drama existed in many places in the form of the morality play, it is possible that the high drama of the Mass made the theater as a separate form superfluous. In any case, it flowered again after the Reformation; it was the great imaginative act, as various as the genius of Shakespeare, Racine and Molière, and the early inventors of the *commedia dell'arte* could make it. But nothing on a large scale came to take the place of the Olympics and the Circus Maximus. Acrobats passed through the towns, and there was bowling on the village greens, but a long time was to pass before the real (the actual event) would re-enter the field of diversion for large groups assembled together—which is to say, for any approach to mass entertainment.

The coming of organized baseball may be considered a turning point, but for us the real event must have a relation to the created entertainment: it is the juxtaposition, the proximity of the two elements that is new and has unexpected results. A three-point history of the earliest days of the movies makes this sardonically evident: *The first motion picture widely shown was a documentary, "The Workmen Leaving the (Lumiere) Shop"; the first American film to be denounced was a work of the creative imagination, "The Kiss," showing a fat comedian kissing a woman for*

about sixty seconds; one of the first news-pictures was a fraud—in it an actor pretended to be Teddy Roosevelt on his famous safari.

Before we determine the degree of falsification, we must consider the physical facts of production and reception. The old movies presented people walking in jerks and very fast (as we might now do a burlesque of the German goose-step), and such a picture as *The Kiss* could be seen only if you dropped a coin into a slot and peered at flickering images smaller, as I recall them, than those of a twelve-inch television screen. The images did not speak, and often no sound accompanied their grotesque actions. Yet, some sense that this corresponded to reality came into existence, and later the genuine newsreel and the travelogue placed the feature picture in the framework of actuality. One final demonstration was still to be made: the transmission of an event while it was going on. Before that happened, an unexpected psychological twist led all people sophisticated above the level of savagery to accept the disembodied voice as the equivalent of the three-dimensional person.

I am not sure that I stand on firm ground here, but it seems to me that in accepting the early movies and radio, an act of the imagination was involved different in essence from believing in whatever living actors said and did on the stage. Verification was, to be sure, at hand: a single photograph in a trusted newspaper corresponded to a shot in the newsreel; radio announced the election of Harding, and he became President; the commercial told of a special sale at a department store, and the next morning the sale was on. Even without this sort of proof, the acceptance of the movie, radio, and television seems to imply something more than the will, or desire, to be deceived. Something different from *trompe-l'œil* (and,

I suppose, *trompe-l'oreille*) is involved. The effect was something more than deception. The bird that came pecking at the Greek artist's apple is not a proper symbol of human beings looking at a movie and feeling that "there is truth in this."

Has this perception of truth been converted into a tolerance of the essentially false? If the answer is Yes, as I have indicated that mine is, we should know how this was accomplished.

One factor has been an almost unbelievable acceleration in the rate of change affecting both the transmission of fact and the production of entertainment. *In my own lifetime I have witnessed more changes in the modes of communication than occurred in all recorded history before.* Limiting ourselves again to the Western world and omitting speech, we have a thousand years between the papyrus and Gutenberg, a few hundred between him and Mergenthaler and Hoe, about a hundred between their inventions and the automated tape-into-type machinery of our own time. Vast social changes and the upheaval of the Industrial Revolution had to occur before reading became at all general—it was general, but far from universal, as late as 1870 in the United States. Thirty years later, the movies began to flourish; twenty years more brought radio, and fifteen, the beginnings of television. I do not believe that this speed-up had a traumatic effect, it is, however, our experience that we do not change our minds as promptly as we change our tools: we apply old standards of excellence, moral or social or esthetic, to new creations. Both the makers and the critics of the early movies treated them as a form of the theater; to this day we call those who turn on their television sets "the audience," an impropriety in at least three ways. Five centuries after Gutenberg, Andre Malraux declared: "We must come to

terms with the printing-press," in the sense that French authors should recognize a larger public than the elite for whom their ancestors wrote; by that time the movie was established and radio was uttering its first sounds. (The Westinghouse experimenters in radio, presumably with the telephone in the back of their minds, thought that they had developed a new means of *private* communication, and it was, perhaps, prophetic that they began to understand what they really had when a Pittsburgh department store advertised parts for receivers—the ham operators were already listening in. In the condensation of the history of communications I have just made I omit both the telegraph and the telephone, because they are both essentially private—and I am concerned with public diffusion. In the past few years, enterprising propagandists have tried to break through the privacy of the telephone—you dial a number, and you get what everyone else gets who dials that number, a message of divine grace or of racial hatred. It is interesting that this use of the telephone is under fire as improper and illegal—as if the private nature of the telephone, a pure abstraction, were being violated.)

Parallel to the speed of change is the phenomenon of mass—not in the sense of the number of people who give their attention, but the sheer amount of entertainment available. We who have had some experience of earlier forms still tend to think of our own choice as a decisive factor. But for some thirty years a characteristic invitation would end with "and then we'll go to a movie" (or "the movies"). It meant that so many were shown that we were sure to find a desirable picture or that the quality did not matter, the understood thing being that one would rather go to any movie than to none at all. This is no longer true of the movies, but people "watch television" even if no program

they care for is scheduled. Obviously, discrimination, in the simple sense of choosing between one thing and another, is diminishing. (The patrons of lending libraries ask for a good detective story or one by a favorite author, but they, too, will take anything in the field rather than go without.)

The final element we have to consider in the structure of mass entertainment and the lowering of standards is not new: print was the first medium easy to reproduce. The movies went into duplication because of competition, the demands of theaters for new films, and the financial pressure—as they became big business, they were made on borrowed money, and it would take too long for a few prints to return the cost of production. For radio, duplication was largely a matter of bringing more and more outlets into a single system, and for both radio and television a far greater influence was the dominance of the sponsor.

The intertwined new elements are these: the entertainment was not paid for by those who observed it, and it was asking approval not only of itself, but of a commodity. Remote and minute precedents can be found, but in their total effect these are changes from established patterns to which all but a tiny fringe of Americans adjusted themselves without difficulty. In the eyes of the purist, the commercial message was an irritating foreign body; the moralist felt a degradation in making the most powerful of all communicators a servant of soup and soap, but both were as eccentric as Herbert Hoover had been when, as Secretary of Commerce, he did not press for legislation because "the American people would never stand for" using radio as an advertising medium.

We can now see how these various elements affect the notion that a contract comes into existence when a tele-

vision set is turned on. In the early days of radio, I met perhaps half-a-dozen people acutely aware of this contract—none, however, were in the broadcasting business. They said that they were so grateful to the sponsors of a program that they felt bound to buy his product. As the number of stations grew, the producers did, in a way natural to them, acknowledge the contract: you did get what you tuned in for, just as you got the soap you expected in the store. For all practical purposes, the product of the radio or the television set was identical with what it had been a day or a week earlier. The long-range aim was to create a habit—of listening and of buying. It hardly needed a Madison Avenue consultant to see that the first step was to present something that gave pleasure and that if the elements were simple and basic enough, more of the same would be asked for, with an occasional twist or a not-too-disturbing novelty. An old vaudeville hand like Fred Allen thought his sponsors were crazy when they offered him a year's contract for a weekly show and doubted whether he would last the first thirteen weeks. The invention of the "guest star," derived from the soloist at orchestral concerts, was one of the many brilliant exploits of the early producers.

The "personality program," in its many forms, gave innocent pleasure, and the moralist can say only that too many programs of *any* type tend to exhaust one's time so that other useful activities (like reading or thinking) are neglected. But in the daytime serial, by far the most skillful invention of broadcasting, we find an ingredient of corruption; it not only blurs the line between the real and the false; it also gives rise to emotional habits which are not wholly desirable.

The serial's origin was a conversation between two bright and pleasant

people talking over what had really interested them the previous day. Almost imperceptibly it drifted from these conversations into dramatizations, first of their original subject matter and then, as competitors came on, of the usual stuff of women's fiction. The serial form had been known, in print and the movies, for generations, and one of its fundamentals is the creation of suspense. But suspense is too heady for a daily diet: the more often you use it, the more often you must resolve it, and in the daily serial this would lead to frequent periods of safety for the heroine and, consequently, to loss of interest. To avoid this, the constituents of suspense were used, but were divided into the smallest possible fractions (with a double dose on Fridays to carry over the weekend). Suspense was transformed into anxiety.

For part of the way, we have here a parallel to the early movies—the quick and deceptive shift from the actual to the imaginary. Like the movies, radio and, later, television made the physical situations in which their characters appeared ordinary, therefore lifelike, while their psychological situations were vastly improbable. And all three media could point to their thumping success as proof that "we are giving the public what it wants." This was not the same as the "felt want" of Henry James. A generalized desire to be amused, to be caught in a trap with the certainty of ultimate escape, to escape, in the other sense, from daily preoccupations—these were the wants, but no one particularized the form of satisfaction. The makers of entertainment found forms which they could use (and presently found these forms creating habits) to satisfy the sponsor rather than the public; in the process they defined and limited the wants, creating those they could satisfy and letting those they could not satisfy fall into atrophy.

The later entertainments differed from the movies, as I have said, because they were received at home and framed by reality. Reception at home meant that, after the receiver had been bought, the entertainment seemed a free gift. The sponsor *sold* his commodity at the retail store, the station and the network *gave* the program, in his behalf. This lies behind the first defense of the producers: "They can turn it off, can't they?" In the competition of the past few years, we do get the *appearance* of selectivity when dozens of new programs are presented each autumn and few survive. But the chosen and the rejects are very much alike. Because the objective is to create a habit, virtually all entertainment programs (omitting, that is, news, documentary, and discussion) address themselves to people *in the same zone of intelligence and in the same zone of emotional maturity*.

The critical sense is lulled; the choice is virtually meaningless; and if, in these conditions, anything like protest could occur, the individual knows that he is a single one among millions who do not share his opinions. Protest is likely to work in the opposite direction. As a critic of television I have received hundreds of letters beginning with some variation of "Hey, you crumb, who do you think you are? Just because you don't like [a program] you try to keep ten million good Americans from seeing it."

This, then, is our situation in a time demanding more active intelligence than has ever before been needed if we are

to move forward—if we are to survive. The most powerful of our media of entertainment are inducing inertia. It is senseless to make them the scapegoat—the mass media reflect our whole social and economic structure, and although they reinforce it at times, they also, on occasion, go against it. I have been discussing the general average and have limited myself to straight commercial entertainment, but even here magnificent exceptions exist, and there is a flow, at least a trickle, from one kind of program to another.

The usual attack on mass entertainments assumes that they encourage some forms of delinquency, blur the moral (meaning the sexual) code, exhibit and by so doing inspire violence, and break down our respect for law and order. It is also held against them that they are all-too-conformist, that the bad are always punished, and that they do not lead people to face the harsh realities of life.

In comparison, my complaint may seem intellectual and remote. But I think that the great need of our time is a thousandfold multiplication of the number of *independent, thinking* men and women and that whatever prevents or delays this is a danger to our society. "The contemplation of things as they are," wrote Bacon, "without substitution or imposture . . . is in itself a more noble thing than a whole harvest of inventions." Especially, one might say, those inventions which can be used for imposture.

Business Morality: Some Unanswered (and Perhaps Unanswerable) Questions

By ARTHUR SELWYN MILLER

ABSTRACT: Answers to questions about the ethical posture of American business require reference to the corporate, as distinguished from individualistic, nature of business. The tone of business is largely set by the corporate giants which dominate the American economy. Corporate officials doubtless are normally the embodiment of rectitude in their personal life, but the several "publics" with which a corporation must deal pose difficult problems of accommodation, as yet unanswered. These problems will remain unanswered unless and until an adequate politico-economic theory of the corporation is produced. In the meantime, a rough analogy may be drawn between the corporation within the nation-state and the nation-state itself in its external affairs; corporate managers and national leaders, to some extent, have similar problems of accommodating competing interests. This accommodation is made more difficult because of the lack of clear external standards, from either law or the ethical leaders, through which proposed decisions may be evaluated.

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AN answer to the question of the relationship of morals and business requires inquiry into at least four subsidiary questions: (1) What is "business"? Who is the "businessman"? (2) To whom are moral or ethical obligations owed by the businessman? (3) Who determines the standards of business ethics? (4) What are those standards? Each of these lesser questions in turn poses difficult and complex problems. In this essay I should like to suggest, first, that the questions of business morality cannot be answered unless and until the business corporation is assimilated into economic and political theory, and, second, that certain (admittedly rough) analogies may be drawn between the corporation and the nation-state and thus between corporate managers and national leaders. It is not enough to designate the corporation a "person" in constitutional law (as the Supreme Court has done) and to attempt an answer to the morals-business question from that perspective. A person it is, albeit artificial, but it must be analyzed, and business morals must be evaluated, as a collectivity, a group, a congeries of disparate interests.

That the corporation is the characteristic form of business activity is obvious. Less realized, however, is the fact that it is a fairly recent development; the corporation as known today is a twentieth-century phenomenon. This is important, for it is equally truistic to observe that the American economy is dominated by a relatively few large corporations—not more than five hundred, to take *Fortune* magazine's annual listing. A consequence is that the social milieu since 1787 (when the Constitution was drafted) has been so altered that neither constitutional, that is, political, nor economic theoreticians have as yet been able to construct viable descriptive or analytical models. Economist J. K. Galbraith agrees:

The modern corporation has not yet been assimilated to economic theory, although the corporate system is all but coterminous with mining, communications, public utilities and manufacturing—in short, the largest part of economic life.¹

As Dean E. S. Mason put it:

The functioning of the modern corporation has not to date been adequately explained or, if certain explanations are accepted as adequate, it seems difficult to justify.²

The gap between politics and economics was bridged in a recent statement by the dean of a prominent graduate management school:

We can't succeed in understanding the corporation in its environment in terms of three-hundred-year-old political theory from Locke, or later theory from Jefferson; or in terms of one-hundred-and-fifty-year-old classical economic theory. These offer a good foundation, give us some insights, but someone has to build a modern superstructure over them. The theories of the firm set forth in modern economics don't begin to shed any light on the way a modern corporation operates, or should operate.³

The same may be said for modern political science, as Professor Robert Dahl has observed, and for the ethical and moral theoreticians. The United States is an organizational society *par excellence*, but no one has yet adequately analyzed or described it. In that society, the giant business corporation sets the tone, not only for the economy, but for other important activities. America is a business-oriented society.

¹ John Kenneth Galbraith, "Economics and the Quality of Life," *Science*, Vol. 145 (1964), pp. 117-118.

² Edward S. Mason, Introduction to *The Corporation in Modern Society*, ed. Edward S. Mason (Cambridge, Mass.: Harvard University Press, 1960), p. 4.

³ Quoted in Paul O. Gaddis, *Corporate Accountability: For What and to Whom Must the Manager Answer?* (New York: Harper & Row, 1964), p. 116. The source of the quotation was not identified by Gaddis.

The point is critical. Business morality is *corporate* morality. Corporate managers—those who control but who do not own the corporation—may be, likely are, pillars of rectitude in their personal conduct in the community, stalwarts of the church, and sterling citizens. But does this mean that they are similarly meticulous in the conduct of their professional affairs? More importantly, *should* they be? May it not be said that for a businessman (that is, corporate executive) to operate in a “moral” way would possibly run him afoul of certain duties he owes his putative employers—the shareholders?

It is here that the suggested analogy between the corporation, as it exists within the nation, and the nation-state, as the chief participant in the world community, may provide some instructive guidance. Both the corporate manager and the national leader may feel that in certain circumstances he owes a larger than personal obligation. For the former, it would be to the overall well-being of the corporate entity; for the latter, it would be for the “national interest” (as compared with adherence to the external standard of law). In both situations, persons of otherwise irreproachable moral character may be driven to take action which, if committed in other situations, would be morally reprehensible. The corporation was described three centuries ago as “invisible, immortal, having no conscience or soul”—and there are many who would agree that the description is still apt. The nation-state, certainly visible and probably mortal, in certain circumstances takes action without regard to what George Kennan once described as “legalistic-moralistic” considerations; it is conscienceless when need be. (Whether it has a soul is left for the metaphysicians to argue.) This does not mean, of course, that both nations and corporations do not like to

wrap their actions in cloaks of law and morality. Of course they do.

“Business,” then, is the corporation, and the “businessman” is an official in a private bureaucracy. A few years ago Arnold Toynbee asserted that “the businessman of the future . . . will be one of the key figures in a world civil service.” He thereby suggested that the worlds of business and of government were growing closer together. A new government-business symbiosis is being created, one in which the lines between what purportedly is “public” and what is “private” are increasingly blurred. The analogue of this development—one of profound implications for the American polity—is that the “private” corporate manager is more and more being looked upon as performing *public* functions—and thus is likely to be held in the future to the standards of accountability and morality of government officials. In other words, the comparison of the corporate with the governmental executive may find both being recognized as performing similar societal functions, once the politico-economic theory of the corporation is developed.

THE SEVERAL “PUBLICS”

As with the government officer, the corporate manager must take the wants, interests, and demands of several “publics” into consideration when making decisions. For the corporation these include the following: (1) the shareholders, those who “own” but do not control in this age of “shareholder democracy”; (2) and (3) the employees, with a distinction being made between those who are members of a union and those who are not (that is, between the rank-and-file workers and the corporate managerial hierarchy); (4) a possible fourth category is the leadership of the union—to the extent that it has drives and interests distinguishable from those of union membership; (5) the consum-

ers; (6) suppliers to the corporation; and (7) the public at large, which may be said to be institutionalized in government. This model of the corporation seeks to identify the disparate interests within and without the entity—those who must be considered by corporate decision-makers before reaching decisions. So described, the question of business morality may be squarely faced. The businessman (the corporate manager) has the duty of considering the obligations that he may owe to members of each of the several publics with whom the corporation deals.

The answer, then, to the second question posed liminally is that the businessman should and must seek to balance the various interests of the corporate community. He is an official with a varied constituency. He should (and at times apparently does) take more than "profit" (however defined) into consideration. That there is more to corporate decision-making than profit-making, although it is the irreducible minimum and doubtless the principal desideratum, is the teaching of the many assertions of social responsibility by corporate executives. If the published statements of businessmen are to be believed—and one must, of course, be wary of the public-relations man busily engaged in building a favorable "image" for his client—then there can be little doubt that something more than profit-maximization motivates the businessman. (Whether they can or should be believed is another question which itself poses interesting moral questions.) In this connection, one may compare the observation of Rabbi Louis Finkelstein with a finding of The Reverend Raymond C. Baumhart, S.J. Said the former: "The American business executive tends to ignore the great ethical laws as they apply immediately to his work. He is preoccupied chiefly with gain." Father Baumhart found that in a survey

of American businessmen, 73 per cent of the respondents agreed that "for corporation executives to act in the interest of shareholders alone, and not also in the interest of employees and consumers, is unethical."

How much, and to what extent, businessmen are, in fact, ethical cannot, of course, be so effortlessly answered. Parenthetically there may not be much of a difference between Rabbi Finkelstein and Father Baumhart (even though their statements are different in type, the former being a judgment and the latter a finding based on a survey), for what is "gain"—that is, profit—is not easily definable. Be that as it may, it may be valid to suggest that, as with nation-states in the conduct of what are considered to be their vital interests, so it is with the corporation: the law of the jungle prevails. Very possibly, it is externally imposed *power*, not morality and not law, that is the determinant of corporate behavior. True it is that there is adherence to the standards of conduct *precisely* demanded by the legal system. But, as lawyers know, the law is not very certain; it leaves a great deal of flexibility and freedom to maneuver. And it is also true that the business enterprise has been insulated from the direct interdictory command of law in most of its important activities. That is to say, the law protects and aids, rather than substantially circumscribes, the businessman; it provides a favorable arena in which he can operate and only asks that the more grotesque of his preferences be blunted.

WHO SETS THE STANDARDS?

Under the "classical" theory of economics, often identified with Adam Smith, the businessman does not have to worry about ethical behavior. Acting as the personification of "economic man" bent ceaselessly upon maximizing his profit, he is considered to be controlled

by the market. The intervention of government or the moral leaders of the community is not necessary, simply because the "invisible hand" magically translates the pursuit of selfish gain into the over-all public good. The market, in other words, is said to operate as an external standard. By merely being, it performs its vital societal function.

That this simplistic model of politico-economic behavior no longer is adequate is evident. (Likely it never was, except in the published lucubrations of economists who sat secure in their ivory aeries taking an Olympian and magisterial view of human affairs.) Social Darwinism as a prevailing philosophy does not and cannot work to the benefit of many, perhaps most, people. Something else is needed in an economy dominated by corporate giants—those latter-day disembodied economic men. That "something" is provided in part by government through the use of officially imposed norms of conduct. The anti-trust and labor laws are the obvious examples. How much these, in fact, circumscribe corporate behavior is difficult to ascertain. No doubt both do to some degree; the "robber baron" has become anachronistic, as have the "dark, satanic mills" of the early Industrial Revolution. The "public be damned" attitude has become "the public be cajoled or enticed (or perhaps cozened)," the "exploitive capitalism" of the nineteenth century having become the "service" capitalism of the twentieth. Why this change has taken place is the critical, unanswered question. Perhaps it is more traceable to technological advance than to anything else. The anti-trust laws burst into recent prominence in the convictions in the "electrical conspiracy" cases of a number of high executives of such corporate giants as General Electric and Westinghouse. Whether these convictions mark a

change in corporate behavior (or reflect the corporate norm) is difficult to determine, although in the summer of 1965 another price-fixing conspiracy was found in the steel industry. The very light sentences given the corporate delinquents and the subsequent tax write-off of fines and judgments mysteriously granted by a complaisant Internal Revenue Service would lead one to believe that the cases are a light slap on the wrist, rather than a sharp rein on corporate activity. What the cases further indicate is that the corporation—for example, General Electric—has become so large that top management does not know what is going on within the entity itself. President Ralph Cordiner of General Electric was absolved of blame in those cases, on his assertion that he was unaware of what his colleagues were doing. This might mean one of two things, assuming, as one must, that Mr. Cordiner is telling the truth: either the corporation has gotten out of hand, so that nobody is really running it (it runs itself) or that the top management of some of our corporations are chosen for reasons other than supervising their subordinates. In either event, it is not a particularly savory picture.

Outside of the law—and, to repeat, no one should be sanguine about law being a prime method of social control of corporations—the acceptance of externally imposed norms by corporate managers seems to be more the resultant of power positions by other segments of the entity (for example, labor) than the acceptance by those managers of commands or suggestions to "be good." For the over-all well-being of the corporation, the manager thus takes into consideration the demands and interests of labor and the consumer, as well as of the other elements. This may well be not because he wants to, but because of an "I have to live with him, don't I?"

attitude. It may also reflect economic reality, which means that good morals become good economics—not an uncomfortable position.

Who, then, sets the standards? The short answer is that the corporate manager does for himself. Ethical leaders, save for a few industries, are irrelevant. The business executive, like Mr. Ralph Cordiner, talks of "self-discipline." Some effort has been made to draft a code of ethics for business enterprise, but as with most of such codes they would have no effective technique for enforcement and are written in such nebulous language as to leave large areas for interpretation. In practical effect, accordingly, the injunction to the businessman to "be good" requires him to "be God." And that raises the question (unanswered): Who appointed him to be both a Lord Temporal and a Lord Spiritual?

Whether effective control over the overmighty economic sovereignties of the age can be attained, even by government with all of its power, is an as yet unanswered question. Some observers, like Professor Henry Kariel, speak of the "decline of pluralism" and suggest the rise of a new "feudalism" in which the large corporations are the feudal organizations and the corporate managers the feudal barons of the day. Others, like Adolf Berle, would rely on a developing "inchoate law of corporate responsibility," through the operation of which the new barony is constrained to be good. The ultimate resolution of the relationship of government to business, growing out of the corporation-government symbiosis, will have enormous consequences for the nature of American society.

WHAT STANDARDS?

If the businessman, as suggested above, is enjoined to be good and thus has to be God, a final question is what

standards are to guide those Olympians? What should their celestial majesties decide when particular problems face them? The law gives little or no guidance; the ethical leaders of the community are mute; ethical codes are more hortatory than interdictory. A few representative examples of corporate decisions pose some of the problems in better focus.

Item. According to the *Wall Street Journal*, an executive of the Bethlehem Steel Company "was fired in March 1964 after local newspaper articles identified him as a member of the Community Civic League, a voluntary race relations group." *Query.* What is the morality of this corporate action? The answer is dependent upon the ethical obligations owed internally to a member of the managerial hierarchy.

Item. Not long ago the United States Steel Company maintained that it had no responsibility at its Birmingham, Alabama plant to do anything about the state of race relations in Alabama or Birmingham. *Query:* Is this ethical? The answer involves consideration of the external obligations of a corporation.

Item. In 1960, at a time when the United States was experiencing severe "balance of payments" difficulties, the Ford Motor Company transferred \$300 million to England for the purpose of acquiring full ownership of Ford-England. At about the same time, in an effort to help the balance of payments, the Pentagon announced that servicemen could no longer take dependents abroad with them. The Secretary of Defense said that servicemen are used to hardship. *Query:* What are the relative equities of these situations? The answer seems to depend upon the obligations owed by a corporation (an artificial person) to the nation at large as compared with those owed by natural persons. (In this instance, the artificial person came off better, in itself an illus-

tration of the lack of real power government presently has over giant enterprise. Government dominance of business is a myth.)

Item: In 1962, the Council of Economic Advisers announced so-called "guideposts" for wage negotiations in collective bargaining, in an effort to stave off further inflation. In 1964, Mr. George Meany, a leading labor official, said that he did not think that labor should be bound by such guideposts. *Query:* What should be the response of corporate management?

In these examples, as well as many others, the broad question is whether moral or ethical considerations should be brought within the crucible of decision-making. The suggestion here is that neither political nor economic theory offers anything viable by way of analysis and explication, and that, accordingly, the question of morality cannot be meaningfully answered. The corporate manager really has little or no external guide to decisions. It is high time that this parlous condition be rectified. When it is—as it must be—then the question of the legitimacy of the power of the large corporation will reach some sort of reasonable resolution. Until it is, the corporate manager must mill around in the dark, without effective guidance from the law or from the ethical leaders of the community and without really knowing to what signals he should listen when it comes to morals.

CONCLUSION

"It is a condition," as President Grover Cleveland once said, "which confronts us, not a theory." The power position of corporate officials is obvious; the difficulty is that they are responsible only to themselves. They are clothed with discretion which knows few bounds so far as law is concerned and which is

exercised in an arena of conflicting power drives from other (lesser) power centers. As John F. A. Taylor recently put it:

Their power is arbitrary quite independently of the motives which guide them in their performances. Nothing is gained by supposing the modern captain of industry wicked or malevolent. Unread in the arts of Machiavelli, he could school philosophers and princes in the real conditioning of power.⁴

In this respect, as we have suggested, an instructive parallel may be drawn between corporate managers and high officials within government when those officials are dealing with the problems of participation in the world arena. Although they of course operate in different milieus, there is a rough sort of analogy in the type of discretion exercised and in the restraints which both feel. In both situations, the answers given tend to be *ad hoc*, rather than in accordance with thought-out plans or a prevailing ideology. In neither the world community, in which the national leader acts, nor the internal political economy, in which the corporation is based and largely but not entirely operates, is there a viable, accepted set of external norms to guide behavior in answering the rough questions of the "national interest" or of "enterprise viability." The need is evident for thinking through the position of both entities (the nation-state and the corporation) and their posture vis-à-vis each other. Both are relative newcomers to the social scene and both are the characteristic form of political and economic order in their respective spheres. Both require systematic, realistic treatment. Then, perhaps, moral questions can be answered.

⁴ John F. A. Taylor, "Is the Corporation Above the Law?," *Harvard Business Review* (March-April, 1965), pp. 119, 128.

Insurance Ethics—From the Inside Looking Out

By HENRY K. DUKE

ABSTRACT: An attempt to appraise the ethical posture of the insurance industry is complicated by the fact that it is an inseparable mixture of business and professional relations, while business ethics and professional ethics are by no means the same. No code of ethics applying to the industry as a whole has been composed, although some groups of insurance practitioners have made brief formal declarations of ethical intent. There is evidence of dissatisfaction with the ethics of certain segments of the industry, expressed by regulatory authorities, agents and brokers, and others. Insurance is likened to a profession because most of those who buy it are unequipped to appraise accurately the quality of the service they have bought. *Caveat emptor* has no place in such a relationship, and the professional ethic is essential to proper service. No recent improvement in the ethics of the industry is noted, and possibly some deterioration, but the level compares not unfavorably to that in other industries. However, there is ample room for improvement, particularly in the realm of pricing, advertising, and fair treatment of claimants. Improvement would result if more insurance statesmanship were exhibited by all segments of the industry, but insurance ethics are so closely related to the ethics of the whole business community that any notable improvement must await the rise of the general level.

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ANY attempt by an "insider" to appraise the ethical posture of so amorphous and segmented an industry as that of insurance faces certain difficulties.

The insurance industry, made up of many thousands of different business entities, controlled by the laws and regulations of fifty separate states, and purveying insurance products of almost limitless diversity from simplest accident and life insurance policies for individuals to the most complicated combination of property and liability insurance coverages for an enormous industrial complex, is inevitably faced with a variety of ethical problems.

As far as can be discovered, no serious attempt has been made to compose a code of ethics for the insurance business as a whole. Some groups of insurance practitioners, notably the National Association of Insurance Agents and the National Association of Mutual Insurance Agents, have adopted such a code. Also some of the more professional groups, including the American Society of Chartered Life Underwriters (CLU) and the Society of Chartered Property and Casualty Underwriters (CPCU), have made formal declaration of ethical intent as set forth in the pledges which those aspiring to membership in these societies are required to honor.

The pledge of the American Society of CLU reads in part as follows:

I shall, in the light of all the circumstances surrounding my client, give him the service which, had I been in the same circumstances, I would have applied to myself.

Expressing a similar idea, perhaps more gracefully, the pledge of the Society of CPCU reads in part:

I shall strive at all times to ascertain and understand the needs of those whom I serve, and act as if their interests were my own.

These are high aspirations, and, to the extent that they are realized, help to raise the level of insurance ethics. But, unfortunately, this attitude is by no means characteristic of the whole industry.

IS THERE A PROBLEM?

Is there a problem in insurance ethics? Judging by articles published in the trade press, there is.

An article captioned "Some A. & H. [accident and health insurance] Methods Seen a National Scandal" quotes Delaware Insurance Commissioner Robert Short as follows:

Some of the practices used in selling accident and health insurance have become a national scandal. Here in Delaware there has been case after case where the benefits from policies have been grossly misrepresented.¹

Commissioner Short also said: "Many legitimate small claims are not being paid. To seek legal redress often costs more than the amount of the claim."

An editorial in an agents' magazine inquires:

What has happened to the ethical values of our industry? It would seem that they are fast approaching a kind of bankruptcy. Truth, honesty, and integrity are talked about as if they applied to someone else.²

During hearings conducted by Senator Thomas Dodd concerning substandard automobile insurance companies early this year, it was stated that the complaints of abuses and irregularities in the high-risk auto insurance field were sufficient in number and serious enough in their implications to call for a preliminary investigation. Senator Dodd said:

In fact, at this very moment indictments are being returned in various parts of the

¹ *U.S. Review*, February 6, 1965, p. 34.

² *Tri-State News*, of the Tri-State Association of Mutual Insurance Agents, Harrisburg, Pa., April 1965.

country, concerned with fraudulent practices of persons in the high risk auto insurance business³

"Smoke" arising in three separate parts of the insurance "forest" justifies a suspicion that some fire exists, and it does. But before attempting to pinpoint the fire and suggest a means of extinguishing it, consider some characteristics of the insurance industry which are, if not unique, at least sufficiently unusual to complicate our problem.

INSURANCE BOTH A BUSINESS AND A PROFESSION

The first characteristic is that, in a very real sense, insurance is both a business and a profession. A failure to recognize, or a refusal to recognize, this dual nature of insurance may account for some of the unethical practices which besmirch the industry's reputation and cause dissatisfaction among its customers.

In a typical insurance situation, the business relation and the professional relation are so completely fused—perhaps amalgamated would be a more accurate term—as to defy separation, and the relevance of this to our ethical problem is obvious, for hardly anyone expects the same ethics to be practiced by a business that he would demand of a profession.

HOW IS INSURANCE A PROFESSION?

It is conventional to speak of "the insurance business," but in what way is insurance a profession? The mores and customs of the business community condone acts and omissions which in the professional field would be held not

merely unethical, but actionable as well. *Caveat emptor*, an acceptable attitude in business relations, has no proper place in the professional concept. But there is more to it than that.

Vannevar Bush has noted, as one of the important characteristics of a profession, the fact that a typical client who buys professional services is not in a position to judge their quality for himself. This applies to many insurance situations "in spades." The typical buyer of insurance is completely without skill or experience in interpreting legal contracts of any nature, and the insurance policy is not an exception. The insurance contract being necessarily unilateral, to be taken "as is" or not at all, the insured has no power and no opportunity to negotiate its provisions, and, in consequence, is even less likely to understand what he has bought than he would otherwise be. Therefore, he is forced to rely upon the skill and the good faith of the insurer or its representative, just as he would upon the skill and good faith of his doctor or lawyer.

Since an insured with knowledge of the actuarial science would be a rarity, most of them have no way to determine if the premiums they are asked to pay are equitable and appropriate to the risk. Once more they must depend upon the honesty and good faith of the insurer, undergirded somewhat by the sagacity and diligence of the rating authorities.

Having survived these hurdles and received a contract that is legally sound, and paid a premium that is appropriate to the risk undertaken by the insurer, lack of professional skill and due care on the part of the insurance representative may vitiate this by causing him to deliver a policy which is inappropriate to the risk and which fails to provide the coverage intended. For all of these reasons then, insurance must be regarded as a quasi profession, if the insured is

³ Quoted in *The National Underwriter*, Fire and Casualty Edition, No 21, May 21, 1965, p. 1.

to enjoy the type of service to which he is entitled.

In the final analysis, "the purpose of securing insurance is to avoid uncertainty."⁴ Insurance is one means of dealing with the hazards which face us. But it is not the only means, and sometimes it is not the best one, either. The insurance representative constantly finds himself torn between his business ethic, which inclines him in the direction of getting the order for the insurance, and his professional ethic, which demands that he treat his client's interest "as if it were his own," and, in consequence, recommend against the purchase of insurance in a particular situation.

HOW DO INSURANCE ETHICS MEASURE UP?

Recognizing the existence of these problems, how does the ethical posture of the insurance industry measure up?

It seems to be conventional in recent articles concerning ethics in business to remark happily about the improvement which is discernible in this area. For example, in Dr. Edward Overman's monograph "The Professional Concept and Business Ethics," chapter seven is titled, "An Observable Trend Toward Improved Ethics in Business."⁵

Without denying or affirming the existence of such a trend, it would be useful to know from what level of ethics this trend diverged and how far it has progressed. It is somewhat disconcerting to turn from such a persuasive and optimistic article to one's daily newspaper and read of the \$400,000,000 of fines and penalties thus far exacted in the price-fixing cases in the electrical equipment industry, and note the list

of prominent executives who served prison terms. And in October 1965 a number of civil suits were filed by a group of electric utility companies against six major aluminum manufacturers alleging illegal price-fixing, and asking millions of dollars in damages.

It would seem that one's awareness of a favorable trend would depend in some degree on how charitable a view one takes of the current scene.

But what is more important is to know whether the "observable trend" is the result of an improved business conscience or merely a response to more strict and effective enforcement of the laws. An example from the history of insurance is to the point.

During the two or three years following the Armstrong investigation of the life insurance industry in New York in 1906, there occurred a sudden improvement in ethics, the proportions of which may be unique in the whole history of American business. The chicanery and indeed outright thievery which this investigation brought to light very quickly abated, following the passage of certain insurance laws and the adoption of various insurance regulations in the several states. Buyers of life insurance from that day to this have benefited enormously from the improvement in the behavior patterns of the life insurance industry which resulted directly from the enforcement of these laws. And the shocking revelations undoubtedly had the effect of improving the conscience of the industry as well, since nothing in any way comparable to the conditions criticized has developed since.

If mere compliance with the law represents our ethical goal, it would be fair to say that the insurance industry compares well with most others. True, it engages in some of the same kind of questionable practices as other industries, but remembering that it must attempt to conform to the often con-

⁴ Allan H. Willett, *The Economic Theory of Risk and Insurance* (Philadelphia: University of Pennsylvania Press, 1951), p. 79.

⁵ Edward Overman, "The Professional Concept of Business Ethics" (Bryn Mawr, Pa., unpublished).

flitting insurance laws and regulations of fifty separate states, it should rate as a relatively law-abiding industry.

However, in these enlightened times, more than mere obedience to law might be expected of an industry which can and should combine the best characteristics of a business and a profession.

One does not explore the literature of ethics very thoroughly without discovering that the meaning of the term is both elusive and controversial. But surely when we speak of an ethical person, we intend to imply more than the negative statement that he is not a law-breaker or a felon. It should imply something positive. Many of those working inside the insurance industry feel that it is in this positive realm that the industry needs to reform some of its attitudes. And it is probable that criticism from inside the industry would be more useful than criticism from outside, for the reason that the insurance buyers who are being disadvantaged by some of the questionable practices may be quite unaware of the situation. Some simple practical examples might serve to illustrate.

ARE INEQUITABLE RATING PROCEDURES UNETHICAL?

The matter of insurance rating is outside the scope of this article and foreign to the interest of its probable readership, so no technical discussion will be attempted. However, there are some rating procedures which ought to disturb the tender conscience of the insurance industry if it possesses one.

So called "premium modification" plans⁶ have been approved in some jurisdictions which permit a reduction of as much as 25 per cent in fire insurance rates applying to exactly similar buildings of the same occupancy, situated

⁶ Maryland Insurance Department M.A.P. Plan, 1964.

side-by-side, virtually at the whim of the insurance company furnishing the insurance. The unfair discrimination becomes grossly unethical when the 25 per cent bargain is freely offered in soliciting new business, while the plan is not even mentioned to those customers already on the insurance companies' books. This is common practice.

In many industries, "tie-in sales" (in which a firm requires a customer to purchase certain goods as a prerequisite to its acceptance of an order for certain other goods which the customer really wishes to buy) are not only unethical, but flatly illegal. However, it is common for an insurance company to insist that unless the customer agrees to purchase certain forms of insurance from that company, other forms of insurance will not be made available to him.

THE PROBLEM OF QUESTIONABLE ETHICS IN ADVERTISING

The increasing competition for business in both personal and property insurance fields has caused the insurance industry to permit the ethical standards of its advertising to deteriorate. For example, one may read in the trade journals a statement by the president of a large life insurance company, lamenting the alarming turnover in life insurance agents employed by his company, many of whom remain with the business only a few weeks or months, and 50 per cent of whom fail to last out the year. But an advertisement from the same company in a popular magazine comfortingly assures the public that all of its agents are well-equipped by thorough training and long experience to offer sound advice on insurance and related financial matters. In one newspaper account, a salesman with less than three-weeks experience in the business was so described. Such advertising exaggerates to the point of

cynical deception. As implied above, this is especially reprehensible when applied to insurance, because many of those who buy it understand it not at all and are unable to distinguish between good and bad advice.

The advertising and sales methods employed by some accident and health insurance companies, which were the object of criticism by Commissioner Short,⁷ provide an example in many cases of actions which may be legal but are far from ethical. Policy provisions which are hard for the insured to understand even when the insurer makes every reasonable effort to clarify them present problem enough. But for the unethical company, the temptation to take advantage of the insured's lack of knowledge is irresistible, and it is a simple matter so to word its advertising and its policy contracts as to trap the unwary, without actually breaking the law.

As might be expected, the narrowing profit margins and the increasingly fierce competition for business have exerted an enormous downward pressure on the level of insurance ethics generally, affecting all concerned, from the lowliest local agent to the multibillion dollar insurance group. This is understandable, regrettable, but not necessarily acceptable, and a reversal of the trend is needed.

WHAT TO DO ABOUT IT

Various indirect solutions have been suggested. One has to do with property and casualty insurance rates. The thought is that if a more scientific system of rating were devised, which restored to the insurance commissioners of the several states the power really to require that rates be "reasonable, adequate, and not unfairly discriminatory" (which is patently beyond their powers under our present systems), the ethics

of pricing insurance could be vastly improved.

Some have said that the various segments of the industry should join in a concerted effort to correct its ethical posture from the inside. After all, those inside the industry know more about what goes on there than anyone outside could possibly know. But we cannot be certain how effective such policing would be. As former President Truman said, "You don't set a fox to watch the chickens just because he has had a lot of experience in the hen house." One of the critical problems at present is the fact that unethical conduct on the part of some of the larger insurers can be fatal to the very existence of some of their smaller competitors, and the analogy of the fox and the hen house is not without point.

CONCLUSIONS

It would seem that the ethical posture of the insurance industry compares well with that of most other industries. But there is room for considerable improvement, and this writer is unable to discern an "observable trend toward improved ethics" such as others have detected in business generally. Nor does he feel that the problem will solve itself. A combination of greater insurance statesmanship among responsible insurance executives and practitioners, together with, not more widespread, but more strict regulation by our state insurance departments, if not a solution, would be steps in the right direction. However, to be realistic about it, the problem of eroded ethics in the insurance business is only a part of the larger problem of eroded ethics in business generally, and is unlikely to be solved separately. Yet everyone connected with the industry has the obligation to try, and in the words of Jean Christophe: "A hero is one who does what he can—for who can do more?"

⁷ *Op. cit.*

Sharp Practice in Merchandising and Advertising

By E. T. GRETHER

ABSTRACT: Practices in merchandising and advertising should not be appraised merely in terms of traditional mores, ethical codes, and rules of conduct in the United States. Traditional ethical precepts must be interpreted also in relation to the requirements of the "rule of competition," our announced national economic policy, which insists upon the *independent, competitive* offering of goods and services. Hence, acceptable business behavior is determined not only by community values, but also by the public regulations affecting competitive relations. Such regulations are becoming stricter for goods and services important to health and safety, but a large element of *caveat emptor* must remain in other situations under legally recognized "puffing" in advertising and selling. Existing federal, state, and local law regulations and agencies are entirely adequate for dealing with fraudulent and deceptive practices, given the will and resources for enforcement. It would be a mistake in judgment to try to establish "good taste" by legislation. This aspect of community values must be expressed through a host of formal and informal voluntary programs and endeavors or through the public services. But choices between public and private offerings and voluntary, co-operative arrangements, like choices under the competitive market system itself, should be among genuine, free alternatives.

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SOME persons concerned with consumer buying practices in our times occasionally quote Isaiah 55: 2, "Why do you spend your money for that which is not bread, and your labor for that which does not satisfy?" Misrepresentation and "sharp practices" no doubt go back to the roots of trade. But we would be unable to appreciate or appraise the current circumstances and trends in the United States, say, merely by reference to the ancient Hebrew or other similar traditions and rules, and their base in human propensities.

CAVEAT EMPTOR

The setting of the codes of the modern period in Western societies may be found in the sixteenth century in England when the famous doctrine of *caveat emptor* ("let the buyer beware") was stated: "If he be tame and have ben rydden upon, then *caveat emptor*."¹ Undoubtedly, many a buyer in horse-trading discovered to his sorrow that this minimum warranty was inadequate in dealing with the David Harums of our early colonial and postcolonial period. The important truth, however, is that the modern *competitive* system of enterprise and free buyer choice was then beginning to take form with its compulsions upon, as well as its risks for, both sellers and buyers. Gradually, step by step, most of the resources and activities of a few Western societies, clustered on the Atlantic Ocean, came to be administered under and through a competitive market system and its subsystems. So much so, that ultimately a body of formal economic analysis arose to express the rationalization of an allegedly self-adjusting market system. Actually, of course, even in the heyday of *laissez-faire*, no economy was, in fact,

on this presumed automatic basis, even though the market system came to include most of the persons, resources, and goods and services.

The point for our discussion is that the principle of competition which came to be accepted and rationalized in its various guises is still the official basic national economic policy of the United States. As late as 1963, the Supreme Court in the Philadelphia Bank Case reiterated:

Subject to narrow qualifications, it is surely the case that competition is our fundamental national economic policy, offering as it does the only alternative to the cartelization or governmental regimentation of large portions of the economy.²

This is not the place to debate whether the "qualifications" are really narrow. The writer has elsewhere suggested that they are broad and increasing in scope—so much so, that some observers feel that there is an inexorable drift away from competition in the United States.³ For the purposes of this discussion, it is assumed that (1) competition is in fact the basic economic policy in the United States, and (2) the numerous and increasing qualifications of this policy in public and private actions must be accepted also as basic aspects of the environment in which buyers and sellers make their decisions. Unfortunately, nowadays one cannot resolve our problem by assuming the simple choices of the hedonic calculus under the conditions of perfect competition posited in some formal economic

² *United States v. Philadelphia National Bank*, 374 US 321, 372 (1963).

³ Cf. A. A. Berle, *The American Economic Republic* (New York: Harcourt, Brace & World, 1963); R. L. Heilbroner, *The Making of Economic Society* (Englewood Cliffs, N.J.: Prentice-Hall, 1962); E. T. Grether, "The Impacts of Present-Day Antitrust Policy on the Economy," *American Bar Association, Section of Antitrust Law*, Vol. 23, pp. 289-336.

¹ Anthony Fitzherbert, *Boke of Husbandrie* (1534), sec. 118, quoted by W. H. Hamilton, "The Ancient Maxim Caveat Emptor," *Yale Law Journal*, XL (June 1931), p. 1136.

analysis. Instead, we must walk out into American supermarkets, department stores, factories, selling offices, and research laboratories, and even take a stroll along Madison Avenue in an endeavor to get directional bearings.

In contrast with horse-trading, visualize the purchaser nowadays of a new automobile, latest style, or of a color television set, or of an air conditioning system, or of a household dishwasher, or of a new, highly touted antibiotic, or of a package insurance policy, or of a building-and-loan savings program (with trading stamps as a come-on), or of a new synthetic fabric, or of a packaged health food. Consider further the new models, new styles, new products, new packages, new merchandising devices, and particularly the continuing stream of persuasive approaches being made on behalf of the sellers via television, radio, magazines, newspapers, the mail, outdoor bulletin boards, at point of sale in stores, and the like. Consider, too, that the combination of modern technologies and high and rising standards of living engenders ever widening assortments of finished goods and services for the consideration and enjoyment of buyers.

Consider, too, that this plethora of goods and services and communications about them must, under our accepted national economic policy, be produced and sold *independently* and, hopefully, *competitively*. Under our antitrust laws, enterprises as sellers and buyers (unless in exempt or partially exempt sectors) must forego the safer pack hunt in favor of an individual approach. Consequently, product and service, merchandising and advertising, and packaging and selling innovations and developments are of the essence of business success. Hence, the most valuable property rights of the enterprise are apt to be the legally protected trade-marks that underwrite brand sales-promotion and the patents and copyrights that le-

gally protect invention and innovation, at least temporarily. The true dynamism of American production and marketing is based initially in the product development and promotional programs of American manufacturing. But, in reaction, some mass distributors have reached back into production either on a contractual or integrated basis. Often, these moves were in order to guarantee supplies or reduce the cost of goods, but, increasingly, distributors are also engaging in innovative competition instead of merely acting as instruments for cost and price reduction on established products. In any event, consumer-buyers at point of purchase must make decisions not only among products as such, but as between the *brands*, promotional appeals and services, and selling facilities and conditions of numerous competing sellers.

CAVEAT VENDITOR

All of this is exciting and fortunate, indeed, for consumer-buyers whose favor and patronage are being sought so eagerly. Obviously, the modern consumer-buyer in this context must have and will receive a greater warranty than the simple one of sixteenth-century horse-trading. Increasingly, the burden of responsibility under an emerging doctrine of *caveat venditor* has been shifting to the selling side of the market.

If there were only one brand and it were marketed by only one outlet, say, a state-owned store (as is the case with liquor in some of our states), we would be able to finish our discussion in only one more page. The writer is reminded of a lovely company-owned town through which he often drives. There is no other community near it comparable in beauty, care, neatness, order—and lack of evidences of vigor and vitality: beautiful, orderly, and lifeless!

American marketing and merchandising devices and practices often are

neither beautiful nor, so it may seem, even orderly. But they are not lifeless! To appreciate the exact character of the practices and of their diverse manifestations, it is essential to know (1) the specific nature of the private competitive forces bearing upon each point of sale and (2) the nature of the federal, state, and local circumscriptions upon selling methods and practices. Some of the rules of the Old Testament as well as of the horse-and-buggy period still apply, but it is a great mistake to observe the modern market place only through these lenses. American production and marketing and advertising and selling and retailing are affected by a host of general and specific governmental policies and regulations, many, perhaps most, of which have appeared topsylike in reaction to specific situations. Competitive methods and practices would be greatly different in the absence of these circumstances. Their net impacts are to establish the minimum requirements for legal sale ("if he be tame and rydden upon") and often the boundaries of the playing field. These rules and regulations are not always uniform as between political jurisdictions (federal, state, and local).

Regulations govern not only specific products but also such practices and methods as advertising in its various forms, weights and measures, labeling, packaging, and the terms of credit sales.

REGULATIONS AFFECTING COMPETITIVE RELATIONS

All of this probably would be easier to describe and interpret if it stemmed merely from a relatively pure desire on the part of the legislators and administrative officials to protect consumer-buyers against misrepresentation, falsehood, adulteration, and injury. But running along with and often as part of the same public regulations are also the great bodies of law and regulation

intended primarily to affect relations among competitors and to maintain and foster competition—or to subvert it for the benefit of special interests, with, of course, an appropriate disclaimer or rationalization in the preamble. Laws and regulations so motivated are not likely to flow along the same channels as those oriented in terms of consumer-protection. Milk-control laws, for example, most likely would be far different if producer and distributor interests had been disregarded or even if consumer interests had dominated.

Early in its career, the Federal Trade Commission found itself in a basic conflict on this score in the famous *Raladam* case.⁴ The Supreme Court of the United States reversed an order against the direct sale of "Marmola," an alleged obesity cure, not because of lack of evidence of misrepresentation or of risk to users without medical advice, but because the Commission had not demonstrated injury to competition. Consequently, the Wheeler-Lea Amendment in 1938 enlarged the authority of the Commission by giving it power of action against unfair or deceptive acts without necessary injury to competition.

REGULATIONS AFFECTING HEALTH AND SAFETY

In the United States we have now arrived at, or apparently will soon reach a level of, public regulation in which all aspects of producing and selling will be under specific rules or constraints for products and services important to health and safety. The best example is the production and sale of food and drugs. Strangely, so it may seem, the first federal legislation in this area was the Pure Food and Drug Act of 1906 intended to prohibit the adulteration and misbranding of foods and drugs in interstate commerce. The 1906 act, en-

⁴ *Federal Trade Commission v. Raladam Company*, 283 U.S. 643 (1931).

acted after a long and bitter struggle, wrote into the statute books the accepted ethics of responsible enterprises. Further major amendments were added in 1938 and again in 1962. The latter, the so-called Kefauver-Harris amendments, were triggered by the high public concern over the birth of deformed infants in Europe following the use of the sedative thalidomide. The 1962 amendments increased the authority of the Food and Drug Administration (FDA), clarified areas of authority, and gave FDA new regulatory responsibility for clearing new drugs. It is still too early to appraise the total impacts of the 1962 amendments. For the time being, there has been a marked decline in the commercial introduction of new drug products. Of special interest is a proposal for "mandated self-regulation."

Advertising in general, and especially of food and drug products, is also under specific forms of regulation, too diverse and detailed to review here. More than half of the enforcement funds and energies of the Federal Trade Commission are devoted to halting deceptive practices in advertising. In fact, this area represents one of the major regulative successes of the Commission. Numerous other federal, state, and local agencies also affect the diverse manifestations and guises of advertising, which no longer can be viewed as a relatively simple use of the printed word and illustration to influence the sale of goods and services.

PACKAGING, LABELING, AND CREDIT

Important specific merchandising practices, especially packaging and labeling and the terms of consumer credit sales, are currently under serious Congressional investigation. The endeavor of Senator Philip H. Hart since 1963 to obtain the passage of what he calls a "Fair Packaging and Labeling Act," but which has been known as a "Truth

in Packaging Bill" in the popular press, is well known and highly publicized. No one can quarrel with the endeavor to protect consumer-buyers against misrepresentation and lack of information. But at stake also is the traditional issue of the character of the positive requirements or circumscriptions upon product-development and sales-promotion in competition.

Actually, the same age-old issue is involved in the endeavor of Senator Paul A. Douglas to gain favorable action on his "Truth in Lending Bill." Most states have legislation affecting conditional and credit sales to protect buyers—and more is pending. Buying on continuing and long-term credit has become part of the way of life for American households—contrary to the mores of the beginning of the century. The record is replete with horrible examples of how consumer-buyers have been bilked because of misinformation or lack of reasonable intelligence in buying. But here again there is the basic issue of consumer protection versus the interests of competitive business enterprises under the rule of competition.

The net impacts of the various forms of public regulation are usually, and appropriately so, not to prescribe specific practices. Hence, there is always a considerable latitude for variation in practices between and among competitors and for adjustments over time. Change is constantly occurring in American merchandising and selling in terms of a wide variety of adjustments in location, fittings, assortments, packaging, prices, services, and terms. These adjustments tend either to be innovative or imitative. Innovative competition, when successful, engenders further innovation by competitors or, almost inevitably, imitation. The imitative competitor helps spread the benefits of innovation more rapidly, and often at

lower prices, throughout the community. But almost always there is the desire for some amount of "differentiation" from competitors. When basic product or service innovation and differentiation have run their courses, there may be recourse to a variety of so-called gimmicks, premiums, give-aways, lotteries (when lawful), trading stamps, and the like. The old aphorism "never a dull moment" is entirely appropriate to much of American merchandising with its circus atmosphere and special events. Many modern supermarkets are taking on the carnival atmosphere of medieval fairs. Most American communities are surrounded by gaudy shopping centers located strategically on the leading access highways. The attention of consumer-buyers in one-stop shopping may be diverted from basic quality and price to a host of extras including trading stamps, fun for the children, and a chance for a Big Prize for all in a lotterytype drawing.

THE BASIC ISSUES

Possibly the reader is wondering when we shall get to the point suggested by the assigned title of this essay, "Sharp Practice in Merchandising and Advertising." Presumably, long before this, the writer should have been able to join the chorus of critics of American merchandising and advertising in their denunciations of American business practices. It would even be helpful at this point to present a computerized index of the increase in sharp practices since the sixteenth century to prove the case once and for all. Readers who have found or seek such simple answers would find it exceedingly interesting to visit the Soviet Union and the satellite countries and compare the quality and prices and conditions of purchase of consumer goods. Increasingly, the Soviet Union and some of the satellite countries are endeavoring to grapple with

their problems of (1) shoddy merchandise ill-adapted to consumer needs and desires and (2) maladjustments of supplies of particular products, by experiments with market mechanisms, packaging and advertising, and even with profit incentives and tests.

Appraisals of the American scene and drift must be in terms of our own history, technologies, legal systems, and value systems. Certainly, there is sufficient evidence of sharp practices and violations of good taste to provide ammunition for the continuing barrage of economic and social criticism. Whether there has been a deterioration in business ethics and practices during the past 150 or 100 or 10 years is a matter of individual judgment where all viewpoints can find some support. There are some who believe that consumer sovereignty is a wasting or already wasted social asset, and that meaningful free choices have disappeared down the conjoined maws of group behaviorism and Madison Avenue. A visit to the Soviet Union and its satellite countries should be an illuminating experience to such persons.

But one cannot and should not deny or attempt to cover up the weaknesses and abuses in American marketing and selling. The basic issues, however, cannot be resolved merely by ringing denunciations of our economic and marketing system. It is not easy to establish a reasonable balance as between public regulation and private competitive practices under our national economic policy. Certainly "if he be tame and rydden upon" is not enough today. Actually, the panoply of local, state, and federal laws and regulations are usually more than adequate given the will and resources for enforcement.⁵

⁵ Readers might find it a worth-while exercise in conscientious citizenship to inform themselves concerning the procedures and effectiveness of endeavors in their own com-

So far as consumers are concerned, it is hopeless to expect general solutions through their own voluntary large-scale group organizations, as has occurred for labor through labor organizations with their partial exemptions from the anti-trust laws. Government and voluntary

munities to protect consumer-buyers against fraudulent and dishonest practices in selling. In a typical American community, such a search would start with the municipal police department and its patrol and detective divisions charged with responsibility for handling theft and fraud cases. The municipal efforts would probably be co-ordinated with those of a district attorney at the county level. Supporting municipal and county enforcement would be the voluntary programs of individual business enterprises, and particularly those of the local Better Business Bureau, organized as a nonprofit corporation financed by membership dues. Thus, victims of fraud and of dishonest practices normally have available at the local level a number of protective agencies through which to register complaints and to gain protection and relief. For example, in the writer's own area, the local Metropolitan Better Business Bureau in 1964 received 34,403 "inquiries," of which 3,754 were classified as "complaints." A sizable percentage of the complaints were either of a crank character or based upon misunderstandings. Among the many legitimate complaints leading to action were, for example: (1) dishonest methods to cajole home-owners to install heating systems, (2) the dishonest offering of trade-in values, (3) selling cotton and rayon carpeting at two to five times its market value by alleging that it was nylon or wool, and (4) selling water systems, which were reliable in themselves, by the use of dishonest means of gaining access to homes and deceptive methods of testing the "hardness" of water.

Undoubtedly, there is a wide range of variation in the effectiveness of enforcement as among American communities depending upon local attitudes and interest. Furthermore, there are differences in attitude and viewpoint as to the relative success of enforcement efforts. A local police inspector is apt to measure his success in terms of "convictions"—victims are interested in "restitution," whereas the majority of persons think in terms of "prevention." Obviously, thoroughly successful preventive programs will minimize both convictions and restitution, the more obvious measures of success in enforcement.

business informational, educational, and policing programs must intervene on behalf of consumers. There is no reason at all why accurate, honest, unbiased information should not be required and available in the sale and purchase of goods and services strategic for health, safety, and community welfare.

THE RULE OF COMPETITION

But the community as a whole and consumer-buyers and the enterprises offering them their alternatives for choice all need a deeper and better understanding of what is at stake under our official national economic policy of requiring competition. Competitive rivalry, unrestrained under complex modern conditions, could make for the debasement of both practices and quality, that is, a sort of Gresham's law of merchandising. Many critics, of course, believe that this, in fact, has occurred. Of course, it is essential that minimum warranties be established appropriate to the circumstances. "If he be tame and rydden upon" is not adequate for automobiles, outboard motors and airplanes, and the emerging forms of outer-space transportation.

On the other hand, the high stress in our scheme of things upon independent rivalry adds doubled and redoubled emphasis to the inherent tendencies towards product and service innovation and brand- and sales-promotion, and particularly to the use of advertising. Herein lie the bases for both economic and social appraisal and reasonable public and private policies and practices. We must be careful in a consistent public policy not to destroy or seriously inhibit our enormous competitive initiative, especially in technological innovation in product development and in cost reduction. However, it follows also that we must appreciate that product innovation and creativity and brand-sales promotion and adver-

tising are parts of an integrated process under our national economic policy of the "rule of competition." There is no reason at all, however, why appropriate minimum constraints upon competitive practices should hamper competitive initiative and expression except as they become spelled out in mercantilistic, positive, restrictive details.

The area of seemingly greatest misunderstanding and difficulty stems from the legal doctrine of "puffing" in advertising and sales-promotion. The flexibility and latitude so introduced need not and do not underwrite outright misrepresentation and falsehood. But they do allow conflicting claims and, at times, sufficient garbling of meaning to create confusion among consumer-buyers. It is at this point that consumers often need access to unbiased information from private or governmental sources when health and safety are at stake or when the purchase is sizable and represents a heavy outlay in terms of the family budget.

"GOOD TASTE" AND SELF-REGULATION

This area of confusion and misunderstanding merges imperceptibly with another even more difficult in terms of social appraisal and policy—the issue of "good taste," especially in advertising. It can be argued that marketers and advertisers merely accept the levels of intelligence and of social values as they find them. Further, in terms of classical economics, why should a business enterprise be expected to spend its resources to raise or improve the existing levels? On the other hand, advertising and sales expenditures are so large and so omnipresent in the environment as to outrank all other forms of communication, information, and education, quantitatively. Hence, sales and advertising presentations may be the dominant part of the environment of infants, growing children, and adults

of all ages and degrees of intelligence and acumen. Consequently, some critics conclude that consumer sovereignty is a wasting and wasted social asset; that most consumers have become moronic robots under the influence of sales-promotional appeals.

This area of difficulty and uncertainty cannot and should not be completely resolved by public policy and regulation if we really intend under our antitrust laws to maintain and foster competition. It would appear, however, that it is in this area that voluntary, private programs have enormous opportunity as through Trade Practice Conferences under the Federal Trade Commission, advertising associations, Better Business Bureaus, consumer co-operative associations, consumer-information services, and the like.⁶ Along these lines we may be able to have our cake and eat it, too. Our basic, accepted mores, folkways, values and "tastes" can express themselves in voluntary codes of common law derived from the value systems of interested groups. Competitors would still be competitors but within the constraints of community standards ranging beyond those of specific laws and regulations, and within the accepted *per se* rules of antitrust.

In closing, however, we must note the alternative that is being proposed by many—namely, the expansion of the offerings of the public services. Some believe that the competitive market system must play a decreasing role in our society of abundance. To the writer, the converse seems true. Undoubtedly,

⁶ See, for examples, *Self-Regulation in Advertising: A Report on the Operations of Private Enterprise in an Important Area of Public Responsibility* (Washington, D.C.: U.S. Department of Commerce, 1964); *Self-Regulation in Action: A Story of the Better Business Bureaus, 1912-1962* (New York: Association of Better Business Bureaus, 1962); Annual Reports of the Federal Trade Commission

an important reason for the enlargement of the areas of consumer free choice and of markets in Socialist and Communist countries is the inherent bureaucratic difficulty of fulfilling consumer tastes, desires, and demands under rising standards of living.

It will be of utmost importance in the years ahead in the United States to insist, wherever possible, that citizen-buyers always have free, unbiased private-market alternatives to the public offerings. Along these lines we may be able to maintain the best of all worlds. Most likely, there will be an extraordinary expansion of voluntary and co-

operative endeavors as outlets for the enormously varied creative urges of persons whose nurture needs are met either through the market or through governmental security programs. Such voluntary, co-operative expressions should ultimately join forces with those affecting the market place more directly, to elevate and broaden community tastes, aesthetic standards, and values. The competitive market system is not a mechanical, closed system; it does and must react to law, regulation, and social value systems. It should not in itself inculcate and establish community standards and values.

Ethical Aspects of Union Policy and Conduct

By EMANUEL STEIN

ABSTRACT: The legislative findings providing the basis for the Labor-Management Reporting and Disclosure Act (LMRDA) of 1959 brought to light a great variety of improper activities by unions and union officers. To persons familiar with the history of American trade-unionism, there was little, if anything, new in these revelations. From time to time, from the beginning of unionism, there have been some labor leaders who have robbed and plundered and who have regarded the union as their private domain. The major underlying factor appears to be that as a union grows in power and membership, control of its policies passes from the man at the bench to paid union officials. Although this power transfer is not to be regarded as something contrived by power-hungry officers, it does lend itself to malpractice by unscrupulous union officials. The national unions themselves, and particularly the American Federation of Labor-Congress of Industrial Organizations, have tried to impose reform by constitutional amendment and by drawing up codes of ethical practices. However, because of the structure of American unionism, enforcement of these codes is difficult. The article suggests that the LMRDA, which makes fair practices by unions the law of the land and which incorporates many of the features of the unions' own reform measures, can aid in this reform.—Ed.

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THE Congress finds that . . . in order to accomplish the objective of a free flow of commerce it is essential that labor organizations, employers, and their officials adhere to the highest standards of responsibility and ethical conduct in administering the affairs of their organizations, particularly as they affect labor-management relations.

The Congress further finds, from recent investigations in the labor and management fields, that there have been a number of instances of breach of trust, corruption, disregard of the rights of individual employees, and other failures to observe high standards of responsibility and ethical conduct which require further and supplementary legislation that will afford necessary protection of the rights and interests of employees and the public generally as they relate to the activities of labor organizations, employers, labor relations consultants, and their officers and representatives.¹

THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT

These legislative findings provided the basis for the Labor-Management Reporting and Disclosure Act (LMRDA) of 1959 (Landrum-Griffin). They were preceded by one of the most diligent and protracted legislative investigations in American history,² which brought to light a great variety of improper activities by, among others, unions and union officers. The statute itself was the culmination of many bitter legislative battles, evidencing the varied interests and points of view in the Congress and in the nation.³ As finally enacted, the LMRDA laid down a most comprehen-

sive plan for the regulation of the internal affairs of unions, which was the first time the federal government has ventured into this area of activity. Among the subjects dealt with in the statute are the rights of members of labor organizations (rights to nominate and vote in union elections, freedom of speech and assembly, dues and assessments, safeguards against improper disciplinary action);⁴ reports by unions, their officers and employees, and by employers on matters relevant to the proper conduct of internal union business and of labor-management relations;⁵ union elections;⁶ trusteeships;⁷ and the fiduciary responsibilities of union officers.⁸ One may ascertain the major areas of congressional concern over internal union affairs by merely noting the headings of the several Titles of the Act; abundant supporting data are provided by the (McClellan) Select Committee on Improper Activities and by the Act's legislative history.⁹

ETHICS AND UNION DEVELOPMENT

To persons familiar with the history of American trade unionism, there was little, if anything, new in the revelations of the McClellan Committee, apart from the names of the unions involved and the details of the malefactions. Half a century ago, Robert F. Hoxie, in his functional classifications of unions, specified a type of *predatory unionism*, which he subdivided into *guerrilla unionism* and *hold-up unionism*.¹⁰ From time to time, before the

¹ Labor-Management Reporting and Disclosure Act (LMRDA), Sec. 2, 73 Stat. 519.

² *Final Report of the Select Committee on Improper Activities in the Labor or Management Field*, 86th Congress, 2d Sess., S.Rep. No. 1139 (4 parts; Washington, D.C.: U.S. Government Printing Office, 1960).

³ A. K. McAdams, *Power and Politics in Labor Legislation* (New York: Columbia University Press, 1964).

⁴ LMRDA, Title I.

⁵ LMRDA, Title II.

⁶ LMRDA, Title IV.

⁷ LMRDA, Title III.

⁸ LMRDA, Title V.

⁹ *Legislative History of the Labor-Management Reporting and Disclosure Act of 1959* (2 vols.; Washington, D.C.: U.S. Government Printing Office, 1959).

¹⁰ Robert F. Hoxie, *Trade Unionism in the United States* (New York: D. Appleton, 1917).

present era, there have been some labor leaders who have robbed and plundered and who have regarded the union as their private domain, which they used as a base for self-aggrandizement at the expense of worker and employer alike. Such persons looted union treasuries, gave preferred treatment to favored employers, extorted from susceptible employers and employees by a rich variety of devices, and ruthlessly suppressed any protests from their members. The notion that at some earlier period of our history all was "sweetness and light" within all American unions is as baseless as the notion currently held by some that most contemporary unions are ridden by racketeering and corruption. We have no way of knowing the extent of such conduct nor even whether there has been any tendency towards proportionate increase.¹¹ It seems reasonable, however, to assume that the malpractice arises out of underlying factors and institutional arrangements which must be understood if the malpractice is to be placed in proper perspective.

At bottom, the trade union is a democratic organization of workers seeking to further their economic interests, chiefly by bargaining collectively with their employers. The small union may function quite like a town-hall democracy, with informed and active participation by the members; the officers work at the bench and are only part-time union employees with little, if any, remuneration as such. What they do, as union officers, is known to their constituents whose approval is generally required, and the "whys" of their actions are apt to be the subject of extensive debate. Each member's stake in the organization is clear, and the membership has effective and readily utiliza-

ble power to "recall" officers who do not perform well and faithfully.

As the union grows, power begins to be transferred—not formally, but very effectively—from the membership to the officers. Some or all of the officers become full-time union employees and become specialists in the negotiation and administration of collective-bargaining agreements. The everyday work of the union is increasingly committed to the officers, and the membership tends to become a more or less acquiescent body whose function is limited largely to the ratification of actions taken, or proposed to be taken, by the officers. Apathy and indifference replace informed participation as the membership becomes increasingly willing to have the union run by the officers who, after all, are being paid to run it.

This transfer of power is not to be regarded as something contrived by power-hungry officers. It is, rather, the inevitable result of the changes taking place in the economy, notably in the size and dispersion of markets. Where the product market is regional or national, the union must be able to bargain on a regional or national basis, and this must produce a reduction of power at the local level. It is absurd to expect meaningful participation by an individual worker in the ratification of a collective agreement bargained at the regional or national level. It is no less absurd to expect him to act in an informed manner on the details of a welfare or pension plan, a supplementary unemployment benefits plan, or similar technical provision of collective-bargaining agreements. The agreements themselves become so voluminous and complicated that questions of interpretation and application are increasingly committed to the experienced full-time officials. The result of all this is the building up of a corps of paid officials, supplemented by a civil service

¹¹ R. A. Lester, *As Unions Mature* (Princeton, N. J.: Princeton University Press, 1958), pp. 61-72

of accountants, engineers, lawyers, actuaries, economists, and journalists. The union is now a large business organization with institutional goals and interests of its own, and, at its upper reaches, is quite far removed from the man at the bench.

Now, there is nothing in all of this which must produce corruption and tyranny, and, indeed, it is to be observed that even the most diligent researches of the McClellan Committee were able to locate but a small handful of "horrible examples." Yet, the power is there, and where there is power there is opportunity for unscrupulous persons to subvert the processes of decent government and use the power for their private advantage. When there is no effective check on the power, there is nothing to stop the unscrupulous official from utilizing the total resources of the organization for his own benefit, in the process conscripting his constituents as innocent neutrals, not infrequently to their disadvantage.

Against the small, inadequately financed employer or the employer facing urgent production schedules, such mobilization may well have devastating results, and the mere threat is likely to be sufficient to secure compliance. Such an employer is an "easy mark" for an extortionist, operating under color of an industrious administrator of the collective agreement. He will pay bribes, put favorites on the payroll, perhaps enter into a secret-partnership agreement with the corrupt unionist.

There is another facet—the employer or labor-relations adviser who corrupts the union official to secure special advantage. If the latter can be persuaded to turn his back when the employer contracts-out work (despite a collective bargaining provision forbidding contracting-out) or when workers are paid at less than the agreed-upon scale, or if he can be persuaded to abandon

attempts at organizing the employer's workers, or, in the alternative, to agree to a "sweetheart contract," the employer's gratitude may know no limits.

The opportunities open to ambitious and aggressive persons without principle are boundless; the frontier is open; its conquest is easy and assured, and the fruits many and choice. If the employer buys goods or services, why not set up a business which will provide the goods or services for a willing, or at least acquiescent, customer? Have you just negotiated a pension plan? Why not put yourself and your allies (and relatives) on the payroll of the plan? It may not be difficult to find an insurance agent who will remit a portion of his commission or show his gratitude in other ways. You may find it possible to set up your own insurance agency or to "buy into" a going concern; you may even be able to transfer the insurance from one carrier to another, so as to "earn" an additional commission. You may be able to bar many workers from the union, conditioning their being able to work on their securing weekly or monthly "permit cards," the fees for which may be diverted from the union treasury. And there are, of course, the older, more primitive methods of mulcting the union treasury by large salaries and expense accounts for the leaders and their cohorts.

Possible dissent from the membership can be headed off by not calling meetings and by iron control of those meetings which are called. Thus, there may be no meaningful financial reports; objectors may be disciplined or expelled from the union; physical violence may be relied upon to keep the membership in hand. If a whole local should give signs of rebellion, it may be desirable to oust the officers and establish a trusteeship, in which case the local is, for the duration of the trustee-

ship, under the absolute control of the national officers.

There are other types of malpractice which could be cited, and of which there is abundant evidence. Basically, however, these would merely illustrate the fact that, in some instances, power has been grossly misused. If, as seems to be the case, there is more misuse of union power—more corruption—in the United States than in, say, England, it may be said in explanation that the social environment in the United States is more tolerant of corruption or more acquiescent in it. The dishonest politician is a well-known stereotype, and Americans do not seem to be outraged at the discovery of misconduct by highly placed persons. Business, large and small, does not seem to be exempt. The president of a large insurance company may get his company to lend funds to an enterprise in which he has a financial interest; the president of an automobile company may set up a separate business to sell goods to the automobile company; and the like. Punctilious concern for the maintenance of the highest fiduciary standards is by no means an outstanding characteristic of the American environment. In such circumstances, it should not occasion too much surprise if union leaders on occasion regard their unions as plums ripe for the picking.

RACKETEER INFLUENCE

The preceding discussion has revolved around the legitimate union leader who has yielded to temptation under circumstances involving the possession of considerable power which is not subject to effective check and control. Mention should also be made of the activities of professional gangsters and racketeers who, lacking any organic relation to the union or the labor movement, get control of a union by terrorism and violence and exploit that control for their

personal enrichment.¹² It is not always easy to single out such unions, for, in their external appearance, they often are indistinguishable from legitimate organizations. Subjected to close study, however, they reveal a total disregard of the membership, who are apt to be exploited by the so-called leaders through negotiation of "sweetheart contracts" or simply used involuntarily as a club against a recalcitrant employer. One such union, some years ago, "negotiated" an agreement on behalf of a group of Puerto Rican immigrants; the "agreement" called for a wage rate of \$1 per hour for three years (without an interim reopening) and a closed shop with initiation fees of \$15 and dues of \$1 per week. Needless to say, there was handsome recognition of the service by the employer, not least through welfare and pension funds placed in the absolute control of the union leaders. In such instances, the union serves no legitimate purpose, acting merely as an effective tool for the private advantage of the racketeers. Quite typically, if not in all instances, such unions are "independent," that is, not affiliated with an American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) national, so as not to be subject even to the intra-Federation restraints upon unethical practices.

TRADE UNION DEMOCRACY

While unions which are corrupt are also likely to be undemocratic, the lack of democracy, standing alone, has long been a subject of criticism. Governmental structures and processes within many unions have revealed a concentration of nearly total power at the top, constitutions and by-laws vesting the chief officer with control so broad as

¹² J. Barbash, *The Practice of Unionism* (New York: Harper & Row, 1956), chap. xiii.

to authorize the setting aside of provisions of the constitution. Dictatorship might be incorruptible and benevolent, but it was dictatorship, nevertheless, and objectionable as such. Among the specific targets of criticism were disciplinary powers and procedures,¹³ which, in many instances, lacked even the most elementary due-process safeguards, trusteeships,¹⁴ and the curtailment of the civil rights of the members, including the right to run for office and to vote on union business.¹⁵ Union political arrangements were characterized by one-party systems; opposition was frowned upon or actively discouraged and punished. Perhaps in consequence, the tenure of top officers was very long. As Taft said:

The absence of opposition in the national elections of unions is common and tends to develop in almost all well-established organizations of labor irrespective of origin, philosophy, type of control or ideology. Trade union leaders, once they have reached the top or near the top, are seldom removed from office, either by the members, if they are directly elected, or by their superiors if they are appointed.¹⁶

Implicit in the criticism of practices in union government are the notions that unions should be democratic, that members should have rights to partici-

pate in all significant union activities, that they should be free of the danger of unjust discipline, that the machinery of the union should provide for the frequent exercise of members' rights to participate, and that the institutional arrangements should, if necessary, be altered so as to diminish the powers of the chief executive by setting up appropriate checks and balances. Not all students of unions, it should be said, are in accord; the dissenters, while avowing a desire for democracy *as far as practicable*, insist that unions are special-purpose organizations with limited spheres of interest, resembling armies in action; and that there is, therefore, less room within unions for diversity of opinion and for political opposition and more need for discipline.

REFORM WITHIN THE UNIONS

As unionism developed and gained strength, especially after the days of the New Deal, there came insistent demands for action against corruption and undemocratic practices. Within the labor movement itself, there was an old and powerful tradition of the autonomy of each of the national unions affiliated with the American Federation of Labor. While the overwhelming sentiment within the Federation was sharply critical of unethical practices, there was an even stronger sentiment that the Federation itself should keep hands off and leave it to the individual unions to clean their own houses. The CIO, with a somewhat different background and orientation and with more powerful and determined leadership under Philip Murray, was more willing to move. Its chief problem was not corruption but Communist-domination of some CIO affiliates, and Murray took the unprecedented step of expelling a large number of CIO unions which were held to be Communist-dominated.

With George Meany's rise to the presi-

¹³ *Disciplinary Powers and Procedures in Union Constitutions* (Bureau of Labor Statistics Bulletin No. 1350; Washington, D.C.: U.S. Government Printing Office, 1963).

¹⁴ *Union Constitution Provisions: Trusteeship* (Bureau of Labor Statistics Bulletin No. 1263; Washington, D.C.: U.S. Government Printing Office, 1959); and L. Bromwich, *Union Constitutions* (New York: Fund for the Republic, 1959).

¹⁵ J. Seidman, "Emergence of Concern with Union Government and Administration," *Regulating Union Government*, ed. M. S. Estey *et al.* (New York: Harper & Row, 1964); *Democracy in Labor Unions* (New York: American Civil Liberties Union, 1952).

¹⁶ Philip Taft, *The Structure and Government of Labor Unions* (Cambridge, Mass.: Harvard University Press, 1954), p. 36.

dency of the AFL, that organization abandoned its historic hands-off policy. In 1953, the International Longshoremen's Association was expelled because of corruption and racketeering. New ground was broken as a result of the AFL-CIO merger. The merger agreement provided that the AFL-CIO "shall constitutionally affirm its determination to protect the American trade union movement from any and all corrupt influences." Article II, Section 10 of the new constitution listed among the objects and principles:

To protect the labor movement from any and all corrupt influences and from the undermining efforts of communist agencies and all others who are opposed to the basic principles of our democracy and free and democratic unionism.

Article VIII, Section 7 of the constitution authorized the Executive Council to investigate any situation

in which there is reason to believe that any affiliate is dominated, controlled or substantially influenced in the conduct of its affairs by any corrupt influence, or that policies or activities of any affiliate are consistently directed toward the advocacy, support, advancement or achievement of the program or of the purposes of the Communist party, any fascist organization or other totalitarian movement,

and to suspend any affiliate found guilty. Provision was also made for a Committee on Ethical Practices to assist the Executive Council.

Six codes have thus far been drawn up dealing with local union charters, health and welfare funds, racketeers, crooks, Communists and Fascists, investments and business interests of union officials, financial practices and proprietary activities of unions, and union democratic processes. In many significant respects, these codes anticipated the relevant provisions of the LMRDA.

It is also worthy of note that the codes have not been permitted to be dead letters. The AFL-CIO has moved against a number of unions, most particularly, the International Brotherhood of Teamsters (IBT), which was expelled following its failure to clean house.

There can be no question of the good faith of the AFL-CIO or of the significance of the codes for the government of affiliated unions. At the same time, it should be kept in mind that the AFL-CIO is limited in enforcement to persuasion and, ultimately, to expulsion. It has no influence whatever upon unaffiliated organizations, and its effectiveness in controlling its larger affiliates is open to question. The expulsion of the Teamsters was an act of great courage, entailing considerable risk of splitting the Federation. Nevertheless, the Teamsters' union can scarcely be said to have been seriously affected by its expulsion; it has continued to grow and gain power, and many of the AFL-CIO affiliates, especially on the local level, co-operate with the IBT and seek its support in their various activities. Moreover, there remains the danger that a large and vigorous IBT, outside the AFL-CIO, may become the nucleus of another federation of labor which may split the AFL-CIO and produce civil war within the "house of labor."

NEED FOR GOVERNMENTAL LEGISLATION

At any rate, the Congress determined, in 1959, not to leave the regulation of union government to the labor movement. It is needless to say that many diverse interest groups were involved in the legislative struggle, many of them hostile to unions and seeking to curb union power in various ways. While there has been considerable union criticism of some aspects of the first five titles of LMRDA, especially the provisions for administration and enforce-

ment, it would seem that the legislative objectives sought to be attained are not materially different from the principles underlying the Codes of Ethical Practices. The great, and crucial, distinction is that these are now the law of the land so that the courts are available to protect and enforce the rights and to prohibit and punish the practices specified in the Act.

The types of conduct described above may be said to be alien to the interests of the union and its members and to make more difficult or to frustrate the attainment of the purposes of the organization. There are other types of conduct which may be engaged in while in the *pursuit* of these purposes which pose difficult questions of balance between private interest and the public welfare. Space forbids more than the barest reference to such matters, though they are almost certainly among the crucial issues of our time.

Assuming that a union is dedicated solely to the economic well-being of its members and assuming further that it has the power to secure wage increases which are certain to be reflected in price increases, ~~what~~ should be the union's policy? Suppose the union is able to prevent the employer from introducing technological innovations which will, in the short-run at least, produce some unemployment? To maximize employment and income opportunities for its members, shall the union seek to limit entrance to the trade by various minority groups? Shall it compel the employer to engage more workers than are needed to do the work, or impose such working rules as will add to the wage-bill costs which would not be incurred in the absence of union power? Is the union justified in agreeing with one set of employers that it will extend the same minimum terms of employment to other employers, notwithstanding differences in the fact situations. (See, for

example, *United Mine Workers v. Pennington* and *Local Union No. 189 v. Jewel Tea Company*, decided by the United States Supreme Court on June 7, 1965.) Is the union justified in bringing pressure on enterprises with which it has no quarrel to conscript these enterprises in the campaign against the employer with whom there is a quarrel (secondary boycott)? Should the union attempt to gain its objective by shutting down a major industry or by cutting off an essential consumer good or service, for example, milk or electric power?

In these and many similar instances, there may be a total absence of the kinds of malpractice discussed earlier, and the union leaders may be wholly dedicated to the interests of their constituents. Indeed, such public interest problems are more likely to arise with genuinely committed union leaders than with those who are too busy enriching themselves to undertake the risk of "rocking the boat." Stated somewhat differently, the issue centers on the policies which unions may adopt in the pursuit of their self-interest and on the methods used to realize these policies when the policies or the methods have a significant harmful impact on others and, perhaps, on the whole community. The value of free trade unions and of free collective bargaining is quite generally acknowledged, but this is not the same as saying that there should be a total absence of restraint. There is considerable controversy over where the lines should be drawn,¹⁷ and by whom. Ultimately, the crucial decisions as to the balance to be sought between private rights and the public interests and the limits upon the exercise of private power are certain to be made by the government. The underlying principle

¹⁷ See, for example, *Union Powers and Union Functions* (New York: Committee for Economic Development, 1964).

was well stated by Mr. Justice Brandeis in his dissenting opinion in *Duplex Printing Press Co. v. Deering*:

Because I have come to the conclusion that both the common law of a state and a statute of the United States declare the right of industrial combatants to push their struggle to the limits of the justification of self-interest, I do not wish to be understood as attaching any constitutional or moral sanction to that right. All rights are derived from the purposes of the society in which they exist; above all rights rises duty to the community. The condi-

tions developed in industry may be such that those engaged in it cannot continue their struggle without danger to the community. But it is not for judges to determine whether such conditions exist, nor is it their function to set the limits of permissible contest and to declare the duties which the new situation demands. This is the function of the legislature which, while limiting individual and group rights of aggression and defense, may substitute processes of justice for the more primitive method of trial by combat.¹⁸

¹⁸ 254 U.S. 443, 488 (1921).

Ethics and the Professional Patriots

By MULFORD Q. SIBLEY

ABSTRACT: The professional patriot has existed in every age. He is characterized by a tendency to repeat endlessly his own claim to patriotic virtue, not infrequently hiding ulterior ends (economic gain, for example, or personal power) behind his slogans. More often than not, he has a conspiratorial view of history, associates patriotism with the waging of war, and concentrates his ideological attack on a central enemy. In modern American life, that foe is communism, the crusade against which is often used to condemn any basic social change. The professional tends to associate free enterprise with the "true American way" and frequently mixes together religious, economic, and patriotic slogans. The goals of the professional patriot can hardly be approved by those who reject the supreme value of the nation-state and who look forward to greater human solidarity. A conscientious human being, moreover, cannot promise unqualified loyalty to any organization or person, but only to the right as he sees it. Methods often used by the professional patriot are widely condemned, and rightly so. But the repudiation tends to be merely verbal, for in fact those methods—prevarication, distortion, and ethnocentrism in international morals—are in considerable degree approved in practice. Although the professional may represent unethical means in their more blatant forms, he is not alone in adhering to them.

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PATRIOTISM having become one of our topics, Johnson suddenly uttered, in a strong determined tone, an apothegm, at which many will start: 'Patriotism is the last refuge of a scoundrel.' But let it be considered that he did not mean a real and generous love of our country, but that pretended patriotism which so many, in all ages and countries, have made a cloak for self-interest."¹

One sees ubiquitous incanting patriotism among the ancient Greeks, when factional leaders wrapped its mantle about themselves because specious arguments no longer served; among ambitious generals in the declining Roman republic; among French obscurantists hoping to conceal lack of evidence against Dreyfus; and between and among modern political parties as they struggle for the spoils of power. The worst crimes of tyrants and the ruling classes' most extreme greed have been justified in the name of patriotism.

Who are the professional patriots? How can one account for their existence? What are the ethical implications of their ends and means?

WHO ARE THEY?

The best way to identify the professional patriot is to draw an ideal-type portrait and to use this as a standard by which to judge given men and movements. No man and no movement will exactly fit the portrait, for the picture itself is composed of a cluster of characteristics which have been abstracted from a wide variety of actual persons and movements. The method here is somewhat like that which Plato uses in Book IX of the *Republic*, where he sketches out the tyrannical soul: no so-called tyrant of history conformed to the description, for Plato ignored the

nontyrannical elements in the interest of understanding major features of tyranny as such. So, too, we identify the essential marks of the professional patriot, while admitting that no historical person conforms exactly to the picture.

The professional patriot, first of all, is a talker. He seems to believe that speaking much of patriotism makes him a patriot. Although he will often plead for action of various types, his great stress is on repetition of what he takes to be patriotic slogans. Typically, he holds that an abundance of loyalty oaths ensure loyalty. He professes patriotism, and this helps define him as a professional.

For him, patriotism is associated with war or the threat of war. The country which is invoked (after the manner of invoking the gods) is seen centrally in relation to its enemies, or at least in connection with those defined by the professional as its enemies. Unspectacular and unwarlike acts are almost never connected with patriotism. The patriot must be willing either to kill or to be killed. When discussing the history of the country he is ostensibly supporting, the professional thinks of that history primarily as a series of wars.

His outlook is one of negatives, which may often be regarded as a kind of shield behind which he hides his real objectives. The major positive value is patriotism, but since it is so vaguely identified—even though certain slogans are repeated almost *ad infinitum*—the actual proposals of the patriot usually consist of formulas designed to fend off alleged dangers. Having wrapped himself in the flag, he can then get on with the task of attacking enemies.

Although his foes will vary from age to age and culture to culture, he will often concentrate on a particular vehicle for the expression of enmities. Thus, anti-Semitism has frequently served this purpose, in part, possibly,

¹ James Boswell, *Life of Samuel Johnson*, Preface by Clement K. Shorter, 3 vols. (London, 1934), Vol. II, p. 164.

because the universalism of the Jews is a standing challenge to all geographical particularisms.² During the declining days of the Roman Empire, anti-Christianity often occupied the role, and in early modern Britain, the corresponding vehicle was anti-Catholicism.

But, whatever the vehicle, the professional sometimes stands to profit from it. Thus, during the Napoleonic wars, the war profiteer could usually protect himself by repeatedly insisting on his sincere recognition of Napoleon as the devil incarnate. In the American Civil War, few repeated anti-Rebellion slogans more vociferously than those who sold shoddy merchandise to the Union, and the firms which provided "embalmed beef" for the War Department during the Spanish-American War were no doubt headed by impeccable opponents of Spanish tyranny.

Since World War II, of course, the predominant vehicle for professional patriotism in the United States has been anticommunism, behind whose slogans such varied shibboleths as Free Enterprise, True Christianity, and a supposedly traditional American Virtue have been protected. For the professional patriot, anticommunism will cover a multitude of sins—prevarication, maligning of reputations, manipulation of the economy for exploitative purposes, and use of religion for ulterior ends. Although often, and perhaps usually, vague as to what he means by communism, the professional will resort to

character assassination, espionage, and blacklisting in the name of opposition to it. For anyone whose definition of patriotism differs from his own, he shows only intolerance and contempt.

In view of all this, it is not surprising to find that the professional patriot has a conspiratorial view of history. He sees devils everywhere, though usually they are co-ordinated by some kind of chief demon. Even the most respectable of human beings are seen as plotting against the patriot's view of reality, or at least are suspected of doing so. Although he professes, in loud and repetitive language, his love of country, he not infrequently believes that its current rulers or cultural leaders are betraying it by aligning themselves with the enemy.³

In our day, the professional patriot tends to follow what are usually termed right-wing politics. This is an admittedly ambiguous term, which can be defined mainly in terms of what it is not: it is not, either in its own view or in that of others, Socialist, Communist, or liberal. The reason one will find the professional patriot more frequently in right-wing groups is obviously because the left (and again the term is often ambiguously demarcated) has been more open to internationalism, cosmopolitanism, and radical changes in the modern system of nation-states. Despite this tendency, however, we should not be surprised to find the professional at every point of the political spectrum. So ubiquitous is the sentiment of nationalism, and so relatively powerless the imagery which would challenge it, that

² Although anti-Semitism has not been as prominent since World War II as in certain earlier epochs, it nevertheless remains a theme. In such organizations as the American Nazi party and such publications as the late Conde McGinley's *Common Sense*, it has been overt and blatant. In the *Soldiers of the Cross' Pilgrim Truth*, it is somewhat disguised, as when a French novel claiming that Jews are really more numerous than usually thought is given considerable attention. See *Pilgrim Truth*, June and July, 1965, p. 12.

³ Thus, without saying so directly, M. G. Lowman and the Circuit Riders, Inc., imply in *A Compilation of Public Records: 6000 Educators*, Vol I (Cincinnati: Circuit Riders, Inc., 1959) that the teachers and soldiers whose "records" are exposed are somehow connected with movements which propose to undermine the spiritual foundations of American life.

even liberals and the left-wing may discover themselves resorting to nationalistic militancy as a means, if not as an end. Thus, at one point in its chequered career the American Communist party carried on its campaign under the slogan of "true Americanism," and not a few liberals have been so impressed by the so-called Communist menace that, at points, their appeals to patriotism resemble those of the professionals.

The American professional sees the role of the state as primarily repressive and coercive. If the political process has any value for him, it is as a way of building a war machine. The function of the state is to crush Communist conspirators who exist on every hand and to suppress the criminals produced by "soft" liberalism. The ideal political society would apparently be an American warfare state freed of all international treaty commitments and acting as a supreme judge of mankind. It would have emerged victorious in Korea and Vietnam, regained China (for the ideology of the professional would have it that China was somehow "lost" through soft liberal tactics) for an American-dominated globe, and manipulated the overthrow of Communist governments in the Soviet Union and in eastern Europe. Professional patriots, by and large, would approve such acts as the Central Intelligence Agency's (CIA's) assistance in the 1954 overthrow of the legal government of Guatemala.

Because the state is primarily repressive, all positive functions of society are somehow thought of as private. And the private realm would embrace even gigantic industrial corporations. The whole economy would presumably be left to the manipulations of individuals and industrial combines—for this is the "American way."

We might ask finally how we can distinguish nonprofessional from profes-

sional patriotism. The nonprofessional will, in general, prefer deeds to talk; he will not as completely associate patriotism with nationalism, he will be less prone to see human affairs in conspiratorial terms; and, in relation to the predominant modern American vehicle for professional patriotism, he will not so fully identify patriotism and loyalty with something called anticommunism.

HOW ACCOUNT FOR THEM?

What factors tend to encourage modern professional patriotism? No answer can be entirely satisfactory, but we might suggest that the impersonalism of a technological society, the difficulties of coping with problems of change, and the seemingly perennial longing for restoration of a tribal society all play important roles.

As primary groups dissolve and the uncertainties and competitiveness of an industrialized society increase, the individual finds himself more and more confronted by what seems to be an impersonalism that contradicts his quest for identity. In the effort to restore the significance of the person, he often adopts the conspiratorial view of things, which is so much the hallmark of the professional patriot. Actual flesh-and-blood devils are seen to exist, who can be combated by genuine flesh-and-blood heroes. In a world progressively dominated by impersonal technology, the professional's blacks and whites, devils and angels, have a strong appeal. Then, too, as Robert A. Nisbet has rightly observed, "modern populations depend increasingly on the symbolism of war for relief from civil conflicts and frustrations."⁴ The professional patriot ministers to this need through military imagery, simplified interpretations of

⁴ Robert A. Nisbet, *Community and Power* (New York: Oxford University Press, 1962), p. 38

history, and an emphasis on nationalism that may help restore an individual's sense of importance in a world grown extraordinarily complicated.

In a world of rapid change, moreover, professional patriotism purports to provide a measure of stability and permanence. Thus, vested economic interests hope that they can hold on to their power by attaching themselves to the allegedly unselfish patriotism of the professionals, whose association of a never-to-be-questioned national sentiment with "free enterprise" provides an emotionally acceptable cover for power-holders and a guarantee to others that "socialism" and "communism" will be exorcised.⁵ Beyond the realm of eco-

⁵ Although the precise relation between professional patriotism and vested economic interests is never easy to determine in detail, it is a fact that the multimillionaire H. L. Hunt has been closely associated financially with many programs and movements which boast loudly of their patriotism and simultaneously equate patriotism with opposition to all proposed fundamental changes in the economic order. In his book *Fabians Fight Freedom* (Dallas: H. L. Hunt Press, n.d.), Hunt sees the spirit of British Fabian socialism "subverting" "American patriotism" everywhere—in foreign policy, in education (John Dewey is a kind of devil for Hunt.), and, above all, in the growing "collectivism" of domestic policy. *The New York Times Service*, reporting results of a Group Research, Inc., survey on June 28, 1965, noted that among leading financial supporters of "right-wing," so-called patriotic groups were such men as Roger Milliken, head of the Deering Milliken Textile concern; J. Howard Pew, chairman of the Sun Oil Company; Joe Crail, president of the Los Angeles-based Coast Federal Savings and Loan Association; and Hunt. The Deering Milliken Foundation gave the ultraright-wing Freedom School of Colorado \$100,000 on one occasion. Pew has contributed \$1,000,000 to the Christian Freedom Foundation, one of the leading professionally patriotic organizations. Billy James Hargis' Christian Crusade also has very close ties with well-heeled individuals and corporations. For a general survey of "right-wing" groups, particularly as they affect the younger generation, see Edward Cain, *They'd Rather Be Right* (New York: The Macmillan Company, 1963).

nomic questions, however, professional patriotism offers a kind of general reassurance. The frequent references by professionals to Washington and Lincoln,⁶ the constant reiteration that national sovereignty must not be destroyed, the stress placed on keeping textbooks free from taint of alien ideologies,⁷ and the tendency of many if not most professionals to identify true religion with white Anglo-Saxon Protestantism—all this may indicate a subconscious realization that an old world is dying but at the same time an insistence that good health can be restored by increasingly frequent incantations. Whatever may be the motivations of the professional leadership—and motives are notoriously difficult to discover—most of those who follow the slogans are no doubt perfectly sincere in their beliefs and find a sense of security for which they have sought vainly elsewhere.

Finally, professional patriotism appeals to a very old yearning in the human consciousness for a tribalism which was long ago impaired by the rise of political or deliberative ways of developing social order. Implicit is a longing for clan and kinship relations and for rather rigid tradition as the basis of society. Despite the repetition of the word *freedom* in his sloganizing, the professional really distrusts liberty and the insecurity which it inevitably brings, and he appeals to all those (and they are legion) who would feel far happier in a world where every minute act of life could be governed by unchangeable tra-

⁶ Thus, E. Merrill Root, *Brainwashing in the High Schools* (New York: Devin-Adair, 1958), p. 198, finds it significant that one high school textbook devotes twice as much space to Franklin Roosevelt as to either Washington or Lincoln.

⁷ See Root, *op. cit.*, and also Verne P. Kaub, *Communist-Socialist Propaganda in American Schools* (Boston: Edward K. Meador, 1953).

dition and where thought would be unnecessary.⁸ Failing that, the strict command-obey relations of an army would be best—and this, no doubt, explains the attachment of many to the military, at least in words and ideology.⁹ Just as many insecure individuals turn to authoritarian political groupings on the so-called left-wing, so others reflect their basic distrust of freedom by becoming absorbed in professional patriotism.

ETHICAL IMPLICATIONS: ENDS AND MEANS

But our central issue is neither the identification of professional patriotism nor an attempt to account for it. Rather we are primarily concerned with examining its relation to ethical and political ideals. We contend that while its morality and politics leave much to be desired, it is, nevertheless, appealing to a goal which cannot legitimately be entirely rejected. We also maintain that, insofar as it is deficient, its failings are simply extreme examples of moral attitudes or practices present among the majority of us who would not be called professionals.

The issues posed by the professional patriot divide themselves into questions of goals and problems of means.

Goals

Is the ideal set up by the professional patriot one to which mankind ought to

⁸ Without necessarily subscribing to all of the influences drawn from it by some, the study by T. W. Adorno and others, *The Authoritarian Personality* (New York: Harper, 1950), may be suggestive in the attempt to understand certain attributes of the professional patriot.

⁹ The army approaches, if it does not fully achieve, the ideal-type "closed society," as it is called by some. It provides the security of a fixed and definite schedule, the possibility of identifying father-substitutes (the officers), and the guarantee of a rather good physical subsistence.

aspire? Putting it another way, is an individual's social and potential political obligation primarily to the world society struggling to be born or to the historical entities known as nation-states to which the professional patriot seems so attached? Should our primary allegiance be to the tribe and the many accidental social groupings which have separated themselves from one another and through the centuries taken on an aura of sanctity? Or, by contrast, should we regard ourselves primarily as citizens of the world—a world which as yet possesses only embryonic political organs?

Or do we have an even higher obligation—to that community of rationality and moral insight which the Stoics identified with the *cosmopolis* and which judges the motivations and acts of even the highest political authorities on earth?

This is not a new issue, of course. It was present during the period of the ancient disintegrating city-state, when men were confronted by yet wider allegiances, both political and ethical. It was reflected in the tensions which developed between the early Christian and imperial Rome. It arose again with the temptation to equate Augustine's visible with his invisible church, which, if accomplished, would virtually eliminate the notion of a universal city of righteousness by the standards of which even the earthly *ecclesia* could be judged. It is present today, with the tendency to deify the historical nation-state and all its works.

During the past four hundred years, the practical faith of most men has been in the nation-state and its institutions. To be sure, there have been competing centers of loyalty—nascent international institutions, for example; classes and parties transcending national lines; and a limited religious universalism. But in times of crisis, it has been not the international institutions nor the

classes nor the religious universalism which have won, but rather the limited and ethically dubious commands of the nation-state. Thus, despite the political strength of Marxism in western Europe and its theoretical commitment to transnational loyalties, in the crisis of World War I most Marxists succumbed to the call of the nation.

The professional patriot, radically accentuating these tendencies, frankly avows his lack of interest in any commitment beyond that of what he interprets as national loyalty. He obviously scorns world institutions. He seems also to repudiate any allegiance to a community of the world, or of ethical beings, which lies beyond both national and world institutions. He takes pride in passionate attachment to the particular and spurns a more intellectual attachment to the general.

What are we to say of the professional's value scheme? If one contends—as perhaps most of us would—that no human institution or organization, national or international, deserves unconditioned loyalty (since every one is subject to error and tends to enshrine the out-of-date and irrelevant as well as something of the valuable), then to demand unqualified allegiance of any human being is to call upon him to violate basic standards of morality. My moral obligation at any moment is to obey my most considered insight into right and wrong, and in reaching my conclusions, the alleged commands of presidents, kings, or world organizations are merely part of the data which I must weigh—they must never be regarded as having final authority. A morally conscientious person can never take a pledge of allegiance without serious reservations, whether implicit or explicit. Insofar as the professional patriot demands that the reservations be eliminated, he is asking us to renounce the authority of conscience itself.

Although conscience must subject the claims of both national and world institutions to serious scrutiny, the critic of the professional patriot would say that those of the latter must probably take precedence over those of the former in the event of a conflict. The particular interests of a segment of mankind should be regarded as, on the whole, a lesser good than the claims of the human race, and while the good of the human race is never easy to determine and can never be automatically equated with the definitions formulated by emerging world institutions and organizations, still it would seem that reasonably representative international bodies are more likely to reflect universal interests than are national political institutions. Following this line, one should regard oneself as primarily a citizen of the world and only incidentally as an American citizen. But such a position is utterly incompatible with what the professional would regard as patriotism: his goals are at odds with what this paper is suggesting ought to be the ends of every conscientious human being. Whether from the viewpoint of morality or that of utility, world citizenship is an imperative in our day: the claims of humanity must have priority over the national interests of the United States or of Great Britain or of the Soviet Union. I must regard myself first as a human being and only secondarily as a national. I must, on occasion, be unpatriotic—in the professional's terms—if I would be ethically responsible.

We cannot, however, conclude our criticism of the professional's goals without calling attention to the kernel of validity contained within them. The ties of world citizenship are extensive rather than intensive and in themselves are not enough. Somehow, in the world of the future, we must make provision for both the intensive social experience characteristic of the small community at

its best and the extensive ties which bind us together as a human race. In a distorted and unsatisfactory way, the patriot is asking us to recognize that we cannot bring out the best that is in us without this intensive experience. There is no substitute for face-to-face and day-to-day interaction with other human beings as whole persons: only in such situations can our political possibilities grow and reach maturity.¹⁰ In the modern world, unfortunately, the opportunities for this kind of experience tend to decline as we become separated from our fellow human beings through vocational specialization, the effects of urbanization, and the extreme centralization thrust upon us by the demands of technology and the warfare state. The professional patriot, in appealing—however distortedly and perversely—for more intensive human community is calling our attention to one of the great needs of our day. In some way we must learn to combine the conception and practice of world citizenship with the development of those close community relations without which the world citizen will be only half a human being. But it is not yet clear how this can be done.

Means

The professional patriot's means are obviously subject to criticism from several points of view. Although he usually professes himself a devotee of truth, he cannot truly and freely search for it. This is because he has committed himself to a particular historical state form and a rigid set of slogans as objects of final devotion. He cannot be open to the view that communism may have a considerable measure of validity, for he has already placed the emotion-laden

slogans of anticommunism beyond the pale of critical inquiry. He has given a sacred character to a particular nation-state, and hence must regard it as virtually a god. His conspiratorial view of history is so much a part of his fixed intellectual constellation that to question it would be to commit an act of sacrilege. His ideological prison effectively shuts out the quest for reality.

That the professional patriot in fact tends to act as if he need not regard elementary truth as a supreme value is indicated by the kinds of tactics he frequently pursues and the statements he will issue in the name of patriotism. Thus the leader of the John Birch Society will refer to Dwight Eisenhower and John Foster Dulles as collaborators of the Communist "conspiracy."¹¹ And many of those who wrap the mantle of patriotism about them so confidently will reason as follows. The Communist party, in several of its conventions, advocated elimination of racial segregation; Martin Luther King proposes complete integration of the Negro in American society; therefore, Martin Luther King must be influenced by the Communist conspiracy.¹² The late Senator Joseph McCarthy can perhaps be looked

¹¹ Similarly, Robert Welch has stated of Nelson Rockefeller: "I personally believe that you are definitely committed to making the United States a part of a one-world international socialist government." Welch also alleged a parallelism between Rockefeller's ideas and those of *Komsomolskaya Pravda*—and hinted at some kind of pernicious influence by the Soviet journal. See John Birch Society, *Bulletin for August 1963* (Belmont, Mass., 1963).

¹² The John Birch Society's attitude to civil rights exemplifies this position. Thus in an advertisement, *What's Wrong With Civil Rights?*, published in the *Minneapolis Tribune*, September 7, 1965, the Society says: "A careful study quickly reveals that every part of the civil rights program has been designed, and is being carried forward, as a step in the Communist strategy." See also Alan Stang, *It's Very Simple: The True Story of Civil Rights* (Boston: Western Islands, 1965).

¹⁰ A point emphasized by such political classics as Aristotle's *Politics* and J. J. Rousseau's *Social Contract*. Modern political philosophy has hardly come to grips with this problem.

upon as a not untypical professional patriot, and his disregard of elementary facts is well known. The argument here is that those whose major assertions commit them to uncritical sloganized thinking, and who conceive of particular political or economic systems as final, cut themselves off thereby from any sense of development in the discovery of truth and find it progressively easier to disregard "brute facts" in every realm.

The manipulation of human beings for ulterior ends which are concealed is surely repugnant ethically. Yet this is a tendency among some groups which approximate ideal-type professional patriotism. Thousands of undoubtedly sincere "patriots" are not aware of the fact that they are being used to strengthen economic oligarchies. In many instances, it would seem, religious and patriotic slogans are closely intertwined in order to lend an altruistic twist to what may be the enhancement of economic privilege.¹³

Most of us, on moral grounds, would repudiate such tactics, just as we would rightly condemn the other means which we earlier associated with professional patriotism: the tendency to ascribe guilt to a person by virtue of his associations; the hysterical attack on nonconformity; pressure on employers to discharge dissenters; disregard of the rule of law; prevarication for presumably higher ends; and strongly ethnocentric standards which would exempt the American nation from rules which we might expect other nation-states to observe. Many, no doubt, would also disapprove the strong emphasis of professionals on military force. During the campaign of 1964, in fact, much of the criticism directed at Senator Goldwater was based

on the allegation that he had become the captive of "extremist" groups which tended to be professionally patriotic.¹⁴

From the viewpoint of this paper, of course, the tactics frequently (and rightly) attributed to the professional patriots must be thoroughly condemned. They are incompatible with the concept of a developing world citizenship suggested earlier and they are morally opprobrious generally.

Yet we may well ask ourselves whether the tactics are genuinely repudiated by the American people and their leaders, either in principle or in practice. In what measure do nonprofessional patriots—what some commentators call the moderate middle of the American political spectrum—actually spurn the characteristic means and ends of the professionals?

It is clear, of course, that the nonprofessionals do not talk as much about patriotism as the professionals, and this is an important differentiating quality. One is always suspicious of those who are constantly praising their own purity, for it often hides lack of substance in what they say.

Admitting this, however, the congruence between much professional patriotism and the attitudes and beliefs of other Americans is rather startling. Although ordinary patriots are perhaps milder in their avowals, there would still seem to be a very widespread body of commitment and practice to the goals, tactics, and sometimes even the language of the professionals.

A very large segment of the American people are still chauvinistically nationalist, despite American membership in

¹³ Thus an advertisement of "Soldiers of the Cross" publicizes a "Christian-Patriotic Training Institute" to combat "socialism" and "communism," *Pilgrim Torch*, March-April, 1964

¹⁴ See, for example, Fred J. Cook, *Barry Goldwater: Extremist of the Right* (New York: Grove Press, 1964) and much other campaign literature directed against Goldwater. Much of the Democratic campaign, as a matter of fact, was constructed on this supposed issue

many international organizations. How else can one account for the failure of the Senate to approve elimination of the Connally self-judging reservations to American adherence to the International Court of Justice, in face of the pleas of several presidents and a resolution of the American Bar Association? There is much talk about the rule of law in international affairs but an astonishing reluctance to subject American actions to judicial control by international tribunals.

The means used by the American government often exemplify in fact what professional patriotism demands in words. After the Bay of Pigs invasion fiasco in 1961, for example, how many criticized the Administration for its violations of international law and the morality which, in words, the government professed? Very, very few. Most of the criticism had to do with alleged mismanagement of the affair rather than with its illegality and its immorality. Or, again, how widespread was criticism of the 1965 landing of marines in Santo Domingo, whether in Congress or outside it? ¹⁵

The prevalent attitude of most Americans, if one can trust the public-opinion polls and the statements of congressmen, is that whatever the government does by way of military action in international affairs must be almost automatically supported—whatever might be the legal or ethical dubiety. When military units are moved into action on the President's certification that the action is needed, there seems to be astonish-

ingly little questioning in the public mind. In connection with the war in Vietnam, to be sure, there has been a healthy exception to this rule, but even in this instance, most congressmen, after some initial criticism, have appeared to be complacent, and the public-opinion polls show the vast majority of the American people supporting the government's actions. In a day when both professional and nonprofessional patriots talk much about a moral obligation to observe the law, how many recall the Constitutional requirement for congressional approval of any war declaration?

"Patriotism" for most Americans, as for most professional patriots, seems to be inseparably connected with military violence and war. Almost never does one hear the term used in connection with, for example, "teach-in" protests against the war in Vietnam. Even when supporters of the war tolerate the teach-ins, they never seem to think of the protests as deserving the accolade associated with the word "patriotic."

Despite the so-called liberals' insistence during the campaign of 1964 that they did not accept the militarist outlook of the "extremists," attachment to basic elements of the extremists' mythology goes far beyond the groups usually identified with them. This mythology includes such propositions as that large military forces promote national security; that the United States has always been right in its wars; that military victory can help protect the national integrity; and that one can effectively oppose the Communist ideology by military means. All these propositions are highly questionable; yet most American patriots, whether professionals or nonprofessionals, accept them with virtually no question.

The irony of most patriotism, moreover, is that although it professes to be defending the republican heritage of the Founding Fathers, it sustains a mon-

¹⁵ Thus, when Senator J. William Fulbright, Chairman of the Foreign Relations Committee, sharply attacked (in September 1965) the American intervention, he received hardly any public support from his colleagues. Yet the unilateral landing of marines had been a clear violation of solemn treaty commitments. And the excuse given by the government—threat of Communist domination—was one of the most flimsy on record.

archy to do so. For the presidency, at least with respect to foreign affairs, has become virtually monarchical. It tends to be an act of *lese majesty*, and, in effect, immoral, to criticize the monarch in any situation where he has proclaimed a "crisis" or alleged the "national interest" to be involved.

Professional patriots are not alone, either, in resorting to half-truths, misrepresentations, and concealment of information. All these methods are sufficiently well known in general politics to require little elaboration. The example has been set by the government itself. During the Kennedy Administration, for example, Mr. Arthur Sylvester, an Assistant Secretary of Defense, frankly defended the "management" of news, and his statement was widely interpreted as justifying partial concealment of vital information. Government agencies have felt free on many occasions to utilize deception, not only in relation to external "enemies," but also in dealing with the American people. Many episodes in the development of atomic energy, the U-2 affair under Eisenhower, and the Bay of Pigs fiasco exemplify cultivated and sophisticated employment of deception.

We find mirrored in professional-patriot groups, in other words, beliefs and

practices which are present in virtually all political associations, including governments. So-called liberal groups themselves are not exempt.¹⁶ Perhaps those who criticize the professionals most loudly are subconsciously aware of the ubiquity of immoral means, and their protests, therefore, take on a kind of shrieking quality which is often associated with those who feel guilt themselves. This is not to defend the acts and commitments of the professional patriots. It is, however, to remind ourselves of the general context within which they occur—one where, in greater or lesser measure, almost all organizations frequently engage in similar strategies. While the professional patriots may be more blatant in their violations of what most of us profess ethically, they are not alone in their challenge to the avowed moral code.

Although as responsible beings we must necessarily pass judgments on the words and acts of all, perhaps we should, in conclusion, remember the New Testament exhortation: "Let him who is without sin among you cast the first stone."

¹⁶ One need not support William F. Buckley, Jr.'s general argument and conservative philosophy to agree that this is true. See his *Up from Liberalism* (New York: McFadden-Bartell Books, 1961), particularly pp. 21-69.

SUPPLEMENT

Some Recent Developments in Studies of Social and Cultural Change

By BERNARD J. SIEGEL

STUDIES in cultural change have a very respectable antiquity in anthropology. If one were to include contributions to theories of cultural evolution, one could trace their roots roughly to the mid-nineteenth century and particularly to the work of Lewis Henry Morgan and Edward B. Tyler. Controversies generated by publications in this area led to the development of diffusionist studies and historical reconstruction, which were especially prominent in America during the first three decades of the present century. These analyses—which continue in diminished degree to the present day—attempted to account for the distribution of specific cultural elements and complexes of elements, drawing, where possible, upon documentary and archaeological evidence. Indeed, what might legitimately be included within the rubric of change would contain much, if not most, studies in prehistory. It is obvious that the general field of interest which the term denotes is so far-ranging as to be unmanageable in a short review. In the present article, therefore, I shall confine my remarks to selected studies of process and to conceptual and theoretical

orientations to problems of cultural change and stability.

In recent years there has been a large output of research in this area. Part of this output has been generated by work in the field of economic development and by opportunities for the observation of behavioral adaptation to technological aid programs. Part has grown out of an increasing concern by political scientists, sociologists, and—to a lesser extent—psychologists with comparative work of various kinds outside the United States. The latter merits separate treatment and is outside the scope of this paper, but the reader is referred to several general works, collections of essays, and journals which serve as important outlets for reporting in these fields.¹ Anthropological concern

¹ Representative items are: B. F. Hoselitz, *Sociological Aspects of Economic Growth* (Glencoe, Ill.: Free Press, 1960); Wilbert E. Moore, *Industrialization and Labor: Social Aspects of Economic Development* (Ithaca, N.Y.: Cornell University Press, 1951); David C. McClelland, *The Achieving Society* (Princeton, N.J.: D. Van Nostrand, 1961); Gabriel A. Almond and James S. Coleman (eds.), *The Politics of Developing Areas* (Princeton, N.J.: Princeton University Press, 1960); and B. F. Hoselitz and Wilbert E. Moore, *Industriali-*

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with cultural process and change has continued almost unabated since the self-conscious attempts to interpret the realities of culture contact encountered in the field in the 1930's and thereafter. Theoretical studies accelerated significantly at that time, and formed the point of departure for most subsequent work.² In addition to contributions which are specifically oriented to the analysis of change and stability, almost every ethnography pays some attention to observed transformations, however peripheral these may be to the central problem. The development of interest in peasant societies in the last decade—especially concentrated in Asia, Europe, and Latin America—have also, perforce, had to utilize new models to conceptualize the relation of these part-societies to the more complex social environments with which they interact.

MAJOR THEORETICAL CONTRIBUTIONS

Some of the most systematic theories of change have appeared since 1960. One of these was written by an economist; a second, by a social psychologist; and two, by anthropologists. During

ization and Society (The Hague: UNESCO-Mouton, 1963). Among nonanthropological journals, especially important outlets are: *Economic Development and Cultural Change*, *Comparative Studies in Society and History*, *Public Opinion Quarterly*, *Social Forces*, *American Sociological Review*, *Journal of American Sociology*, and *Journal of Social Psychology*.

² See especially: R. Thurnwald, "The Psychology of Acculturation," *American Anthropologist*, 34 (1932), pp. 557-569; A. I. Halliwell, "Social-Psychological Aspects of Acculturation," *The Science of Man in the World Crisis*, ed. R. Linton (New York: Columbia University Press, 1945), pp. 171-200; M. Herskovits, *Acculturation: The Study of Culture Contact* (New York: J. J. Augustine, 1938); R. Beals, "Acculturation," *Anthropology Today*, ed. A. L. Kroeber (Chicago: University of Chicago Press, 1953); and "The Social Science Research Council Summer Seminar on Acculturation," *American Anthropologist*, 56 (1954), pp. 973-1002.

this period, also, we encounter a propositional inventory on determinants of sociocultural change, abstracted largely from acculturation studies, and a general work on the lessons to be learned from anthropology concerning the impact of technological change on traditional cultures.³

Hagen, a professional economist concerned with problems of development, became convinced that any theory of growth to have predictive value will depend upon an appraisal of the human context in which the prerequisites for growth are embedded. Specifically he sought to explain change from one type of social system (peasant or traditional society) to a different type (industrial society). To accomplish this task he undertook the formidable task of assimilating insights from anthropology, sociology, and personality psychology by an extensive but selective reading of the literature in these fields. In the central portion of this work, Hagen examines the nature of traditional society and the authoritarian personality which, he argues, is engendered by it and renders such people incapable of creativity. He then proceeds to suggest how authoritarian personalities become creative (innovative) and to describe the conditions which serve to channel creativity into economic and technological innovation. The process which he analyzes is illustrated through brief case studies

³ Everett Hagen, *On the Theory of Cultural Change* (Homewood, Ill.: Dorsey Press, 1962); Leonard W. Doob, *Becoming More Civilized* (New Haven: Yale University Press, 1960); Charles J. Erasmus, *Man Takes Control* (Minneapolis: University of Minnesota Press, 1961); Ward H. Goodenough, *Cooperation in Change* (New York: Russell Sage Foundation, 1963); Gilbert Kushner et al., *What Accounts for Sociocultural Change?: A Propositional Inventory* (Chapel Hill: University of North Carolina Press, 1962); and George Foster, *Traditional Cultures and the Impact of Technological Change* (New York: Harper & Brothers, 1962).

drawn from England, Japan, Colombia, Burma, and the Sioux Indians.

In developing his theory, Hagen systematically explores the consequences for adult personality of training for obedience to authority. He finds in all strata of traditional societies strong aggressive needs (which make for stability) and relatively weak "manipulative" needs (that is, need autonomy, achievement, and order) that characterize the creative personality. For economic growth, or any change, to occur in such societies, important changes must take place in this personality structure. This change, the author argues, in historically known cases takes place over several generations, and occurs as a result of withdrawal of status respect. By the latter he means

the perception on the part of the members of some social group that their purposes and values in life are not respected by groups in society whom they respect and whose esteem they value.

In a complicated but logical argument Hagen attempts to indicate how changes in the child's environment lead to the emergence of innovative adults from retreatist social groups. If, among these potential innovators, increasing numbers find that technological activity provides a more satisfying identity than others, if thereby they gain the respect of others, and if other means of achieving respect and prestige are closed, innovation will increasingly take the form of technological innovation, which in turn leads to economic growth.

This brief treatment cannot do justice to the imaginativeness of the proposed theory and to the serious attention given to the way in which current behavioral science insights can be brought to bear upon change and stability. Despite its weaknesses—the ignoring of certain cultural and social structural variables, for example—the study is an important one,

perhaps the most systematic theory of change yet available in the literature.

Using a judicious selection of acculturation studies in anthropology and data from his own investigations in Africa and Jamaica, Doob has undertaken a psychological exploration of how and why people change their behavior. Like Hagen, he is concerned with change from traditional to "civilized" people or, more properly, from less to more civilized. He concentrates on behavior rather than upon personality structure, however, drawing upon a much wider range of psychological processes—such as new learning, verbalizing of beliefs, solving conflict, and the exercise of intelligence—supposed to be universal human attributes, to explain changes as well as persistence in such behavior. If, as anthropologists have often demonstrated, there are modal personality traits in any given group, the argument regarding those which facilitate or inhibit change need not be prejudiced by assuming that all "traditional" societies possess a like constellation. Doob argues from evidence available to him that the range of responses by individuals to the complicated choices which they may have to make in response to situational changes will be considerable, and will also take place among adults as well as among their children, who are socialized in different ways. This argument is not necessarily inconsistent with Hagen's contention that altered socialization practices arising out of environmental changes will have to produce a modal difference in the number of creative personalities before economic (or indeed other behavioral) changes can take place to a significant degree.

The exposition of this essay takes the form of twenty-seven hypotheses informed by theoretical explication and supporting data and insights from a wide range of literature on the subject.

Erasmus has inquired into the causes

of cultural behavior, the nature of its development, and problems of foreign aid in relation to cultural development. He discusses theories of cultural causality and cultural development, projecting an original theory of cultural causality with the components of cognition, motivation, and limitation. In a modification of Thorstein Veblen's concepts of conspicuous consumption and invidious comparison, he offers a three-level view of cultural development which includes conspicuous giving, conspicuous ownership, and conspicuous production, with their corresponding types of invidious comparison. Cognition and motivation operate in relation to "frequency interpretation" (a concept which Erasmus borrows from the work of the philosopher, Hans Reichenbach), by which is meant a probability estimate of what will happen in any occurring event, based on inductive inference from experience. Limitation can be either environmental or cultural. Soil erosion is a good example of environmental limitation imposed upon choices people can make *vis-à-vis* reactions to, for example, proposals for soil conservation. Experience and wealth distribution are examples of cultural limitations which affect new choices of what is possible or desirable in relation to innovations. The theory presented is examined by reference to examples drawn from a variety of technological aid programs. The author also presents in some detail a case study of cultural development in Sonora, Mexico, based on his own observations, where road and irrigation projects have created new opportunities for commercial expansion.

A very substantial part of an important work by Goodenough, commissioned to serve as a manual for people engaged in dealing with induced change in developing communities, is devoted to basic theory in behavioral science relevant to such an undertaking. The re-

sulting framework is a clear, logical, and systematic exposition of ideas and empirical knowledge deemed necessary for an understanding of culture-change processes. As such, it can also claim to be a theory of culture, informed by a psychology of wants, needs, and identity and by sociological contributions to socialization and social control.

The theoretical discussion begins with a consideration of the nature of wants and needs. It proceeds to discuss the access and orientation of individuals with respect to public values expressed in the structure of a community, as well as rules of interpersonal conduct. It explores a variety of psychological processes which help people to deal with emotional consequences of value frustration, the commitment to beliefs in relation to changing practices, and the conditions under which compensating belief systems may be altered or removed. The author devotes two chapters to the important problem of community and personal identity and their relation to external models and circumstances which might be expected to lead to identity change. When the latter has been achieved, in effect, a new community social order has come into being. A common feature of this process consists in the development of what have come to be known—using a term popularized by A. F. C. Wallace—as revitalization movements.

One of the more interesting contributions toward an understanding of change processes in this volume is analysis of major cultural variables to be considered in analyzing community change: the private cultures of a community's members, their operating cultures, the community's public culture, and the public cultures of its subgroups. Change can occur at any of these levels. What is involved for this to occur concludes the discussion of this set of problems.

These topics do not exhaust the analysis of variables which Goodenough considers germane to change processes. They do reflect, perhaps, the range of his thinking on the subject and the complexity of the beast.

The final item to which the reader's attention is drawn in this section is Foster's analysis of data from extensive experience with programs in technological innovation. The book is intended for nonanthropologists. It has special utility for professionals and others who are involved in development programs, and is pitched at a theoretically less sophisticated level than any of the previous studies considered. The central body of *Traditional Cultures* consists of an analysis of cultural, social, and psychological barriers and stimulants to change. Like Hagen, Foster discusses these problems in relation to the particular characteristics of agricultural peasant societies, whose characteristics he explicates in terms somewhat different from, but consistent with, the former. The study is replete with examples drawn from a wide variety of development programs. Although the discussion here, as in the previous items, is enriched by conceptual understandings from several disciplines, it does not attempt to synthesize relevant behavior science contributions into a systematic theory of change. Together with the items considered above, it nevertheless contains an important reservoir of insights toward such an enterprise.⁴

The references to selected specialized studies in the remainder of this review largely contribute to one or another of the factors discussed in these more comprehensive works.

⁴ For a work that covers many of the points raised by Foster, in a manual designed explicitly for technological-aid people, see Conrad M. Arensberg and Arthur H. Niehoff, *Introducing Social Change: A Manual for Americans Overseas* (Chicago: Aldine, 1965).

URBANIZATION AND CHANGE

Studies of the role of cities in cultural change have increased markedly, as the anthropologist turns his attention increasingly to investigations of structure and process in peasant societies and new nations. A number of these studies point to the effects of urbanization upon changing household, family, and related-role relations. Aldous, for example,⁵ indicates the continued functional importance of the extended family in fulfilling recreational, religious, legal, economic, and other adjustment needs among different tribal settlers in Congolese cities. Koyama, Masuoka and Kawamura, and Vogel all deal with the effects of increasing urbanization upon changes in family, authority, norms, and role conflicts in postwar Japan, particularly in recent times with the alteration in the status of women. Koyama points out that, generally speaking, the farm population, insofar as ecological conditions permit, resists giving up the traditional family pattern. Vogel is concerned with the emotional disturbances created among urban families by the college-entrance examinations. His emphasis is on the importance of the mother-son relation within the constellation of family roles.⁶ Befu,⁷ in a somewhat different vein and after a careful analy-

⁵ J. Aldous, "Urbanization, the Extended Family, and Kinship Ties in West Africa," *Social Forces*, 41 (1962), pp. 6-12.

⁶ T. Koyama, "Changing Family Structure in Japan," *Japanese Culture: Its Development and Characteristics*, ed R. J. Smith and A. K. Beardsley (Viking Fund Publications in Anthropology, No. 34; New York: Wenner-Gren Foundation for Anthropological Research, 1962); E. F. Vogel, "Entrance Examinations and Emotional Disturbances in Japan's 'New Middle Class,'" Smith and Beardsley (eds.), *op. cit.*

⁷ H. Befu, "Corporate Emphasis and Patterns of Descent in the Japanese Family," Smith and Beardsley (eds.), *op. cit.*

sis of patterns of inheritance and descent, proposes that the perpetuation of the family as a corporate group, through its name and occupation, is far more important in the traditional system than the inheritance of property. Changing conditions, including the attraction of educational and occupational advantages in the city, account for the kinds of deviations from a principle of primogeniture.

Kenny's discussion of both a rural and an urban parish in Castile is in another vein. It represents some observations on each based on the general proposition that some elements of urban life appear in the rural area and some rural traits exist in the Madrid parish. The analysis takes consideration of communication and residence patterns in this process.⁸

Friedl and Sweet, like so many students of Mediterranean cultures, comment on the prevalence of contract relationships among both kin and lineage segments within the village and between villagers and urban-based merchants and entrepreneurs. The former sees the urbanization of rural peoples through channels of regular interaction between Greek peasant and urban kinsmen; the latter thinks of contracts within a Muslim Syrian village as representing commercial relationships and as evidence of the "urbanization" of Levantine peasant culture.⁹

⁸ M. A. Kenny, *Spanish Tapestry: Town and Country in Castile* (London: Cohen and West, 1961).

⁹ E. Friedl, "The Role of Kinship in the Transmission of National Culture to Rural Villages in Mainland Greece," *American Anthropologist*, 61 (1959), pp. 30-38; L. E. Sweet, *Tell Toqaan: A Syrian Village* (Ann Arbor: University of Michigan Press, 1960). For a consideration of contrasting factors by which a peasantry erects boundaries against urban influence and agents, see B. J. Siegel, "Conflict, Parochialism, and Social Differentiation in Portuguese Society," *Journal of Conflict Resolution*, Vol. 5, No. 1 (1961), pp. 35-42; also

STABILITY AND CULTURAL CHANGE

Until recent years, relatively little attention had been paid to the dynamics of social and cultural stability in the face of altering circumstances or stress—such as culture contacts, expanded networks of urban-rural interaction, industrialization, and the like. Several current studies demonstrate the nature of nativistic, defensive, or revitalization processes. Lange,¹⁰ utilizing data from Cochiti pueblo, indicates how the Cochiti theocracy seemed increasingly to develop conscious efforts to retain stability despite growing acculturative pressures. He also notes that the overall changes in Cochiti culture wrought by Catholicism have simultaneously strengthened the very native theocracy it sought to displace. Much the same type of reaction was reported by Ames in a study of social change in Ceylon.¹¹ There he found that the threats of Westernization and Christianity were met by Sinhalese who responded, not by succumbing but by intensifying their interest in Buddhism and actually employing adapted Western-Christian methods and procedures to revitalize and expand interest in Buddhism.

Freilich, in his analysis of a contemporary shtetl-like communal group in New York State, and Hostetler, in his study of the Amish, provide two further examples in the literature of adaptation of highly integrated groups

J. M. Halpern, "Yugoslav Peasant Society in Transition: Stability in Change," *Anthropological Quarterly*, 36 (1963), pp. 156-182.

¹⁰ C. H. Lange, "The Analysis and Application of Cultural Dynamics," *Texas Journal of Science*, 6 (1964), pp. 292-296. See also P. Dozier, "Rio Grande Pueblos," *New Perspectives in American Indian Cultural Change*, ed. E. H. Spicer (Chicago: University of Chicago Press, 1961).

¹¹ M. Ames, "Ideological and Social Change in Ceylon," *Contours of Culture Change in South Asia*, ed. W. L. Rowe (Special Issue, *Human Organization*, 22, 1963), pp. 1-104.

to environmental stress.¹² Freilich emphasizes the enforcement of isolation, a sloughing off of deviants, and maintenance of a residual core of committed individuals.

Two papers by Johnson and Ishino, respectively, are reflective of the kinds of contributions from Japanese studies to this subject.¹³ Johnson has taken another look at the role of the *buraku* (hamlet) in Japan as a source of social solidarity and as a mechanism for coping with a wide range of changing co-operative functions. And Ishino points not only to the hamlet as a source of continuity but also to other structural characteristics of Japanese society, such as the family, work relations, inheritance patterns, and emphasis upon small-kin-group patterns of organization. The viability of deeply rooted structural forms in rural villages persists in the face of sweeping changes which have occurred in the rational approach to the solution of farm problems, the loss of sacred overtones in farm activities, and a closer contact of the village with urban society.

Anschmann¹⁴ provides data for the Guajiro Indians of Colombia and Venezuela, who enjoy an unusual vitality compared to all other Indians in this region. The analysis suggests that this is due to high in-group esteem in the

context of an economic class system which operates in a way parallel to that in the national society. The kinds of problems which the Indian must face and solve locally prepare him well for similar stresses in the larger society. Looking at other concomitants of stability, Solenberger¹⁵ analyzes the central role of a persisting political institution—the *municipio* in the Marianas (Micronesia)—through several periods of external control. By providing local centralization of authority, it has acted as an integrating mechanism among geographically dispersed but organizationally linked populations.

Perhaps the most theoretically sophisticated publication of this period, concerning itself with sociocultural sources of stability and change, is a work by Max Gluckman.¹⁶ Gluckman has drawn upon a wide variety of ethnographic work from Africa. He discusses the relation between disputes and struggles for power within the contexts of mechanisms of social control and stability. Analyses of tribal systems are viewed against studies of modern societies.

Finally, psychological insights in several studies have been brought to bear upon the continuity of culture. Levine¹⁷ discusses specifically the importance of situations of culture change for studying relations between socialization and adult culture. In a more or less stable culture one would assume that the pressures on personality would be likely to be consistent from childhood on. If this were true, it would be difficult to tell how much of the

¹² M. Freilich, "The Modern Shtetl: A Study of Cultural Persistence," *American Anthropologist*, 57 (1962), pp. 45-54; and J. A. Hostetler, "Persistence and Change Patterns in Amish Society," *Ethnology*, 3 (1964), pp. 185-198.

¹³ I. Ishino, "Social and Technological Change in Rural Japan: Continuities and Discontinuities," Smith and Beardsley (eds.), *op. cit.*; E. Johnson, "Perseverance through Orderly Change: The Traditional *Buraku* in a Modern Community," *Human Organization*, 22 (1963), pp. 218-222.

¹⁴ H. Anschmann, "The Cultural Vitality of the Guajiro Indians of Colombia and Venezuela," *Acten des 34. Internationalen Amerikanistenkongresses* (Vienna: Ferdinand Berger, Horn, 1962).

¹⁵ R. P. Solenberger, "Continuity of Political Institutions in the Marianas," *Human Organization*, 23 (1964), pp. 53-60.

¹⁶ M. Gluckman, *Politics, Law, and Ritual in Tribal Society* (Chicago: Aldine, 1965).

¹⁷ R. A. Levine, "Behaviorism in Psychological Anthropology," *Concepts of Personality*, ed. J. M. Wepman and R. W. Heine (Chicago: Aldine, 1963).

adult personality structure was to be attributed to the pressures of any particular stage of life. But in situations where children have been raised under one culture and must operate as adults under another, the relative contribution of child socialization to adult functioning should become much clearer. One can also consider the relations between psychological factors and cultural stability, the reverse side of the coin. Phillips suggests that the human ability to bear considerable psychological strain at times prevents or slows down cultural change.¹⁸ If some environmental factor has changed, the people of a society may still try to preserve their old ways for a time in spite of the difficulties this causes. Where many of the changes which do occur tend to be cyclical in nature, this conservative behavior can be adaptive in preserving generally useful customs. Honigsmann¹⁹ gives an example of the persistence of a cultural form with a change in function in his description of mountain transhumance in an Austrian village. Formerly serving a technical function, it now has an expressive or recreational function while the original practice continues in its basic form.

Bruner's data from Sumatra²⁰ illustrate how a congeries of ethnic settlers in the large city of Medan maintain their identity through manipulation of urban communications networks and continued interaction with peasant villages. This study reflects the converse of the process described by Freidl and

Sweet. Halpern²¹ informs us that the Yugoslav peasant, who has given up traditional pastoralism for factory work, commutes from his farm and retains village ethnic identity. In the short run he remains socially little transformed. He indicates the significance of associations and the role network in this continuity.²²

MIGRATION, ENCLAVEMENT, AND IDENTITY

Urbanization and economic incentives have led to population movements and reactive tendencies which have formed the basis for many studies in change in the past five years. Reference to certain of the more important items will be made in this section, and elsewhere to others more specifically analyzing processes of continuity under group stress.

The literature is replete with documentation of the tremendous importance of an emergent money economy for people changing under industrial stimulus.²³ Individuals move out from the kinship group, led on by personal or social needs that cannot be fulfilled

²¹ J. M. Halpern, *op. cit.*

²² For another contribution to this problem, cf. J. Aldous, "Urbanization, the Extended Family, and Kinship Ties in West Africa," *op. cit.*

²³ W. Elkan, *Migrants and Proletarians: Urban Labour in the Economic Development of Uganda* (London: Oxford University Press, 1960); M. Gluckman, "Anthropological Problems Arising from the African Industrial Revolution," *Social Change in Modern Africa*, ed. A. Southall (London: Oxford University Press, 1961); P. H. Gulliver, "Incentives in Labor Migration," *Human Organization*, 19 (1960), pp. 159-163; B. Holas, *Changements sociaux en Côte d'Ivoire* (Paris: Universitaires de France, 1961); K. Williamson, "Changes in the Marriage System of the Okrika Ijo," *Africa*, 32 (1962), pp. 53-60; K. Little, "Some Traditionally Based Forms of Mutual Aid in West African Urbanization," *Ethnology*, 1 (1962), pp. 197-211; P. Mayer, *Townsmen or Tribesmen: Conservatism and the Process of Urbanization in a South African City* (Capetown: Oxford University Press, 1961).

¹⁸ H. Phillips, "Relationships between Personality and Social Structure in a Siamese Peasant Community," *Human Organization*, 22 (1963), pp. 105-108.

¹⁹ J. J. Honigsmann, "Bauer and Arbeiter in a Rural Austrian Community," *Southwestern Journal of Anthropology*, 19 (1963), pp. 40-53.

²⁰ E. M. Bruner, "Urbanization and Ethnic Identity in North Sumatra," *American Anthropology*, 63 (1961), pp. 508-521.

within that unit. Melanesian "work boys" as well as American Indian wage-workers have become dissatisfied with traditional use of surplus capital and have moved to change the old ways to fit the new situation, very often beginning with independent marital arrangements. For the most part, students of this problem analyze the processes of accommodation, disorganization, and conflict involved. The Southall volume cited in footnote 23 is a particularly valuable collection of essays on the subject, as such movements and their incentives are reflected in contemporary Africa. The factors of role institution and incentives involved in adaptive change are well represented in the considerable literature on labor migrations. Among the items encountered in recent years are: Elkan,²⁴ Fearn,²⁵ Gluckman,²⁶ Gutkind,²⁷ Little,²⁸ Lopreato,²⁹ Mayer,³⁰ Ottenberg,³¹ and Van Velsen.³² All but one of these (Lopreato) deal with African data.

²⁴ Elkan, *op. cit.*

²⁵ H. Fearn, *An African Economy* (London: Oxford University Press, for the East African Institute for Social Research, 1961).

²⁶ M. Gluckman, "Anthropological Problems Arising from the African Industrial Revolution," Southall (ed.), *op. cit.*

²⁷ P. Gutkind, "Accommodation and Conflict in an African Periurban Area," *Anthropologica*, 4 (1962), pp. 163-172.

²⁸ Little, "Some Traditionally Based Forms of Mutual Aid in West African Urbanization," *op. cit.*

²⁹ J. Lopreato, "Economic Development and Cultural Change: The Role of Emigration," *Human Organization*, 21 (1962), pp. 182-186.

³⁰ P. Mayer, *Townsmen or Tribesmen: Conservatism and the Process of Urbanization in a South African City* (Capetown: Oxford University Press, 1961). See also, P. Mayer, "Migrancy and the Study of Africans in Towns," *American Anthropologist*, 64 (1962), pp. 576-592.

³¹ S. Ottenberg, "The Development of Local Government in a Nigerian Township," *Anthropologica*, 4 (1962), pp. 1212-1259.

³² J. Van Velsen, "Labour Migration as a Positive Factor in the Continuity of Tonga Tribal Society," Southall (ed.), *op. cit.*

Van Velsen's study illustrates how tendencies toward involution and cohesion are reinforced with the sloughing off of restive individuals in a tribal community.

Spicer³³ has written what must be considered the definitive study to date of the process of enclavement among the Indians of the American Southwest. This cultural history of some twenty-five Indian cultural islands analyzes the successive impacts of Spanish, Mexican, and North American expansion into that area. Spicer shows in considerable detail how, whenever the environment permitted, a cycle of events occurred beginning with initial resistance through acceptance of domination, followed by a diversity of self-maintaining reactions and adaptations to continued acculturative stresses. He concludes that, specifically in this part of the New World, because the Indian economy—land, labor, and resources—was so unimportant for the dominant peoples, another factor, social structure, must be taken into account to explain the types of enclaves found and the degree of cultural replacement.

Another volume which Spicer edited and to which he contributed makes a comparative analysis in historical depth about acculturative sequences.³⁴ The various authors who treat independently of the Yaqui, Rio Grande Pueblos, Mandan, Navaho, Wasco-Wishram, and Kwakiutl utilize such concepts as "corporate integration," "fusion," and "compartmentalization" to inform the rich empirical observations which they bring to bear upon this enterprise. Akin to these studies is the analysis by Michael

³³ E. H. Spicer, *Cycles of Conquest: The Impact of Spain, Mexico, and the United States on the Indians of the Southwest, 1533-1960* (Tucson: University of Arizona Press, 1962).

³⁴ E. H. Spicer (ed.), *New Perspectives in American Indian Culture Change* (Chicago: University of Chicago Press, 1961).

Smith and others of what has been called "cultural pluralism" in the Caribbean.³⁵ By cultural pluralism is meant formal diversity in the basic system of compulsory institutions, in which cultural distinctiveness is diagnostic.³⁶

The problems associated with the resettlement of migrant groups have been the subject of several works in the last five years. Concerning East Indians alone, a spate of such studies has occurred, dealing with a variety of enclave situations. Klass,³⁷ the Niehoffs,³⁸ Benedict,³⁹ and Mayer⁴⁰ have analyzed East Indian adaptation to such diverse places as Trinidad, the Fiji Islands, Mauritius, and Canada. Their data should allow for useful studies in controlled observation of cultural and social structural persistences and reconstitutions. Of interest in the same connection are discussions of a Moroccan immigrant village in Israel,⁴¹ of Chinese

in North Malaya,⁴² and of Italian migrants to Brazil,⁴³ who have lived in separate colonies and have a culture different from both that of other rural peoples in the country and that of the country's elite.

Of theoretical relevance for studies of enclavement is the analysis of variation and the etiology of differences in culture regions. Two important papers empirically explicating the concept of "cultural drift" were published in the same year during the period under review. In one of these Aberle⁴⁴ shows the importance of the linguistic mode of drift in the development of culture, and notes that such changes have both direction and consistency. In the other, Berreman,⁴⁵ by means of meticulous attention to historical process in the Himalayan hills, suggests that cultural change, like genetic evolution, comes about as a result of variation, selection and transmission, while drift or divergent change requires the additional condition of isolation. The aim is a clearer understanding of the origin and maintenance of cultural differences. Eggan attempts to clarify the, as

³⁵ M. G. Smith, "Social and Cultural Pluralism," *Social and Cultural Pluralism in the Caribbean (Annals of the New York Academy of Science*, 83, 1960), pp. 761-916.

³⁶ Cf. also H. Rosenfeld, "From Peasantry to Wage Labor and Residual Peasantry: The Transformation of an Arab Village," *Process and Pattern in Culture: Essays in Honor of Julian H. Steward*, ed. R. A. Manners (Chicago: Aldine, 1964).

³⁷ M. Klass, *East Indians in Trinidad: A Study of Cultural Persistence* (New York: Columbia University Press, 1961).

³⁸ A. Niehoff and J. Niehoff, "East Indians in the West Indies" (Milwaukee: Public Museum Publications in Anthropology, No. 6, 1960).

³⁹ P. Benedict, *Indians in a Plural Society: A Report on Mauritius* (Colonial Office Research Studies, No. 34; London: Her Majesty's Stationery Office, 1961).

⁴⁰ A. C. Mayer, *Peasants in the Pacific: A Study of Fiji Indian Rural Society* (Berkeley: University of California Press, 1961). See also A. C. Mayer, *A Report on the East Indian Community in Vancouver* (Vancouver, Canada: Institute of Social and Economic Research, 1960).

⁴¹ A. Weingrod, "Reciprocal Change: A Case Study of a Moroccan Immigrant Village in Israel," *American Anthropology*, 64 (1962),

pp. 115-131. The same author reports on a comparative analysis of such villages in Israel—see A. Weingrod, "Administered Communities: Some Characteristics of New Immigrant Villages in Israel," *Economic Development and Cultural Change*, 11 (1962), pp. 69-84.

⁴² W. H. Newell, *Treacherous River: A Study of Rural Chinese in North Malaya* (Kuala Lumpur: University of Malaya Press, 1962).

⁴³ T. de Azevedo, "Italian Colonization in Southern Brazil," *Anthropological Quarterly*, 34 (1961), pp. 60-68. See also P. A. Munch, "Culture and Superculture in a Displaced Community: Tristan de Cunha," *Ethnology*, 3, No. 4 (1964).

⁴⁴ D. F. Aberle, "The Influence of Linguistics on Early Culture and Personality Theory," *Essays in the Science of Culture in Honor of Leslie A. White* (New York: Thomas Y. Crowell, 1960).

⁴⁵ G. D. Berreman, "Cultural Variation and Drift in the Himalayan Hills," *American Anthropologist*, 62, No. 5, pp. 774-794.

yet, scanty literature dealing with this concept.⁴⁶

Migration, and resettlement, among other things, pose problems of identity in the face of new environmental challenges. Nativistic, revitalization, and cult movements of various kinds also reflect this process. The single most important contribution to this field in recent years has been Lawrence's study of New Guinea cargo cults, concerning which an abundant literature already exists.⁴⁷ The monograph by Lawrence is one of the very few studies in depth and is based upon detailed observations in the field as well as historical documentation of relevant factors in the genesis and functions of such cults. The author addresses himself to three aspects of the movement: *motivation* (Why did the people set such a high social value on European wealth?); *means* (analysis of the emphasis upon ritual activity for securing this wealth); and *effects* (the several consequences of the Cargo movement). He seeks thus to understand the movement in both sociopolitical and epistemological terms.

Other contributions on the cargo cults in the Pacific during the past five years include studies by Burridge,⁴⁸ Salisbury,⁴⁹ Maher,⁵⁰ and Schwartz.⁵¹ Lucy

⁴⁶ F. Eggan, "Cultural Drift and Social Change," *Current Anthropology*, 4, No. 4 (1963), pp. 347-355.

⁴⁷ P. Lawrence, *Road Belong Cargo: A Study of the Cargo Movement in the Southern Madang District, New Guinea* (Manchester: Manchester University Press, 1964).

⁴⁸ K. O. L. Burridge, *Mambu (A Melanesian Millennium)* (London: Methuen, 1960).

⁴⁹ R. F. Salisbury, *From Stone to Steel: Economic Consequences of a Technological Change in New Guinea* (Melbourne: Melbourne University Press, 1962).

⁵⁰ R. F. Maher, *New Men of Papua: A Study in Culture Change* (Madison: University of Wisconsin Press, 1961).

⁵¹ T. Schwartz, "The Paliau Movement in the Admiralty Islands, 1946-1954," *Anthropological Papers of the American Museum of Natural History*, Vol. XLIX, Part 2 (1962), pp. 211-421.

Mair has also written an interpretative essay based upon comparative evidence from three continents.⁵²

TECHNOLOGICAL CHANGE AND DEVELOPMENT

Development projects contributed the basic empirical data for the several general theoretical studies of change referred to earlier in this review. They continue to illuminate the various factors and processes involved. The conceptual framework of this work is varied and often minimal, and whatever theory is stated is largely specific to the situation analyzed. Nevertheless, it is capable of generating insights for comparative study at higher levels of generalization.

Two of the more sophisticated recent investigations are analyses of changing factory organizations, one in North America, the other in the Colombian Andes. Richardson⁵³ uses Elliot Chapple's interaction framework to organize evidence about the flow of consequences resulting from organizational innovations in an American factory. He shows how the interaction patterns of a new plant manager with others through whom he worked tended to crystallize feeling and alignments. The consequent restraints and interruptions in flow of communications led to crises, which in turn led to *ad hoc* solutions to these problems throughout the organization along the lines of these restraints. The goal of the innovations (increasing production rates) were thwarted—they were, in fact, turned down. Savage⁵⁴

⁵² L. Mair, "Independent Religious Movements in Three Continents," *Comparative Studies in Society and History*, 1 (1959), pp. 133-136.

⁵³ F. L. W. Richardson, "Talk, Work, and Action," *Society of Applied Anthropology*, Monograph 3 (1961).

⁵⁴ C. H. Savage, Jr., "Social Reorganization in a Factory in the Andes," *Society of Applied Anthropology*, Monograph 7 (1964).

discusses the events associated with the establishment of a modern factory in an Andean town in partially similar terms. Here, however, communication and interaction patterns are related to the cultural (institutional) context in which they occur. Explicit attention is paid to the fact that types of interacting individuals have different cultural origins in relation to each other and that cognitive differences significantly influence the communicative process.

MacGregor,⁵⁵ Madigan,⁵⁶ and Sasaki⁵⁷ discuss problems of community development and receptivity to innovation in terms of role theory. During this period, studies of directed change in terms of situational factors and *ex post facto* analysis of consequences are encountered from several areas of the world. Honigsmann presents a case study from Pakistan,⁵⁸ Friedmann, from Italy,⁵⁹ Gould⁶⁰ and Berreman,⁶¹ from India, Downs, from Malaya,⁶² Brown,

from Mexico,⁶³ Carin, from China,⁶⁴ Fals-Borda, from Columbia,⁶⁵ and Sibley, from the Philippines.⁶⁶ Abu-Lughod adds to Daniel Lerner's excellent broad-range study of the role of mass communications in the modernization of the Middle East with an analysis of mass media in an Egyptian village.⁶⁷

The transformation of plantation systems through technological innovation provides one of the more interesting milieus for the study of change processes. Dessaint⁶⁸ has contributed some useful insights to the small but growing literature in this field. Yoshida presents an interesting Japanese case in which isolation led to social disorganization, whereas stresses from technological innovation elsewhere in the same cultural region led to an increased integration.⁶⁹ From Indonesian studies, there are two important items concerned with the development mechanism.⁷⁰ Of

⁵⁵ G. MacGregor, "Community Development and Social Adaptation," *Human Organization*, 20 (1961-1962), pp. 238-242.

⁵⁶ F. C. Madigan, "Predicting Receptivity to Community-Development Innovations," *Current Anthropology*, 3 (1962), pp. 207-208.

⁵⁷ T. T. Sasaki, *Fruitland, New Mexico: A Navaho Community in Transition* (Ithaca, N.Y.: Cornell University Press, 1960).

⁵⁸ J. J. Honigsmann, "A Case Study of Community Development in Pakistan," *Economic Development and Culture Change*, 8 (1960), pp. 288-303.

⁵⁹ F. G. Friedmann, *The Hoe and the Book: An Italian Experiment in Community Development* (Ithaca, N.Y.: Cornell University Press, 1960).

⁶⁰ H. A. Gould, "Some Preliminary Observations Concerning the Anthropology of Industrialization," *Eastern Anthropology*, 14 (1961), pp. 30-47.

⁶¹ B. D. Berreman, "Caste and Community Development," *Contours of Culture Change in South Asia*, ed. W. L. Rowe (Special Issue, *Human Organization*, 22, No. 1, 1963).

⁶² R. E. Downs, "A Rural Community in Kelantan, Malaya," *Studies in Asia*, 1960, ed. R. K. Sakai (Lincoln: University of Nebraska, 1960).

⁶³ J. Brown, "Some Changes in Mexican Village Practices Induced by Western Medicine," *América Indígena*, 23 (1963).

⁶⁴ R. Carin, "Irrigation Scheme in Communist China," *Communist China Problem Research Service*, No. 33 (Hong Kong: Union Research Institute, 1963).

⁶⁵ O. Fals-Borda, "Facts and Theory of Sociocultural Change in a Rural Social System," *Monografías Sociológicas*, No. 2 (English Text; Bogota: Universidad Nacional de Colombia, Departamento de Sociología, 1960).

⁶⁶ W. Sibley, "Social Structure and Planned Change: A Case Study from the Philippines," *Human Organization*, 19 (1960-1961), pp. 209-211.

⁶⁷ I. Abu-Lughod, "The Mass Media and Egyptian Village Life," *Sociological Forces*, 42 (1963), pp. 97-104.

⁶⁸ A. Y. Dessaint, "Effects of the Hacienda and Plantation Systems on Guatemala's Indians," *América Indígena*, 22 (1962), pp. 323-354.

⁶⁹ T. Yoshida, "Cultural Integration and Change in Japanese Villages," *American Anthropology*, 65 (1963), pp. 102-116.

⁷⁰ Selosoemardjan, *Social Changes in Jogjakarta* (Ithaca, N.Y.: Cornell University Press, 1962); C. Geertz, *Peddlers and Princes: Social Change and Economic Modernization in Two*

these, Geertz's comparison of modernization processes in two contrasting Javanese towns is particularly instructive. One of these communities traditionally is a market center, the other, a Balinese court town. From the evidence that he presents, Geertz argues convincingly that economic growth can take place within several forms of pre-take-off social change—different groups showing contrasting sorts of modernity. He concludes this essay with a series of six propositions which generalize about innovative processes that cut across diverse traditional structures.⁷¹

ACCULTURATION STUDIES

In real measure, most of the work we have thus far reviewed might fall under the heading of acculturation, inasmuch as urban-rural interaction, urbanization, and modernization of one sort or another involve problems of coping with cultural differences. Typically, however, acculturation studies have tended to concern themselves more with the mutual impact of members of relatively autonomous groups upon one another. For the most part this has meant, in fact, the ways in which small-scale societies cope with agents or segments of complex civilized societies. Cult movements are one class of resolution of such interaction, and might have been presented here had they not been considered in another context.

In a lecture to the New York Academy of Science, Robert Murphy set acculturation processes into the general framework of social change investiga-

tions. He indicates how contact stresses provided pressures the effects of which can be comparatively investigated under controlled conditions.⁷² Dohrenwend and Smith⁷³ suggest a theory of acculturation which would operationalize such concepts as alienation, reorientation, and identification, terms which signify alignment with the behavior and values of one's own group, with those of another, or some recombination of choices. They argue further the importance of identifying weakly versus strongly institutionalized areas of culture in terms of which these and related processes (namely, assimilation) operate. The problem of identity constitutes an important feature of a great many of these studies. Berndt discusses this problem as it appears among the Australian aborigines,⁷⁴ Shepardson and Hammond, among the Navaho,⁷⁵ Berreman⁷⁶ and Chance,⁷⁷ among the Eskimo—to mention some of the more sophisticated analyses to appear in recent years. In the Navaho study, social changes are

⁷² R. Murphy, "Social Change and Acculturation," *Transactions of the New York Academy of Sciences*, Ser. II, Vol. 26, No. 7 (1964), pp. 845-854.

⁷³ B. P. Dohrenwend, and R. J. Smith, "Toward a Theory of Acculturation," *Southwestern Journal of Anthropology*, 18 (1962), pp. 30-39.

⁷⁴ Catherine H. Berndt, "The Quest for Identity: The Case of the Australian Aborigines," *Oceania*, 32 (1962), pp. 16-33.

⁷⁵ M. Shepardson and B. Hammond, "Change and Persistence in an Isolated Navajo Community," *American Anthropologist*, 66 (1964), pp. 1029-1050.

⁷⁶ G. D. Berreman, "Aleut Reference-Group Alienation, Mobility, and Acculturation," *American Anthropologist*, 66 (1964), pp. 213-250.

⁷⁷ N. A. Chance, "Acculturation, Self-Identification, and Personality Adjustment," *American Anthropologist*, 67 (1965), pp. 372-393. See also S. Parker, "Ethnic Identity and Acculturation in Two Eskimo Villages," *American Anthropologist*, 66 (1964), pp. 325-340; and J. W. Vanstone, *Point Hope: An Eskimo Village in Transition* (Seattle: University of Washington Press, 1962).

Indonesian Towns (Chicago: University of Chicago Press, 1963).

⁷¹ See also two papers which summarize Soviet efforts with directed cultural change: A. Vucinich, "Soviet Ethnographic Studies of Culture Change," *American Anthropologist*, 62 (1960), pp. 867-877; and S. P. and E. Dunn, "Directed Culture Change in the Soviet Union: Some Soviet Studies," *American Anthropologist*, 64 (1962), pp. 743-763.

documented and measured for nearly the whole past century, and their implications are discussed in terms of dealing with other societies, role differentiation, cognitive orientations, and socialization, which the authors postulate as the functional prerequisites for maintaining Navaho society. Berreman, in his study of the Aleut Eskimo, makes use of reference-group concepts to indicate the importance of Western identification in interpreting the motivation for new learning and mobility among members of this society. Concentrating upon intrapsychic processes occurring within acculturating individuals rather than upon interpersonal processes occurring between acculturating individuals, Chance applies statistical measures of emotional disturbance to a scale-of-contact identification to analyze the cost to the individual of successful rapid acculturation.

Ezell⁷⁸ and Dozier⁷⁹ add to the literature of Hispanic-Indian acculturation in the American Southwest (*cf.* Spicer *et al.*, *op. cit.*). Leblanc and L. Spindler pay attention to the special problem of acculturation of women among two contrasting tribal groups. Spindler's work complements the work of her husband among Menomini Indian men. The Rorschach protocols which are used to differentiate types of psychological adjustment to four sociocultural levels of acculturation indicate certain significant role differences in this process. The analysis attempts to identify the sources of these differences in cultural orientation, cognition, and contact experiences between males and females.

⁷⁸ P. H. Ezell, "The Hispanic Acculturation of the Gila River Pimas" (Washington, D.C.: American Anthropological Association, Memoir 90, 1961).

⁷⁹ E. P. Dozier, "Differing Reactions to Religious Contacts among North Indian Societies," *Akten des 34. Internationalen Amerikanistenkongresses*, *op. cit.*

The evidence of studies by Miner⁸⁰ and Shimony⁸¹ suggests that contact relations which lead to stereotyped communications produce a climate of suspicion, resentment, hostility, and mutual exclusivity. Fox⁸² and Siegel and Beals are struck by the apparent relation between a particular brand of social structure and kinds of external pressure which produces factionalist dispute. The latter suggest that this process can occur frequently under acculturative stress and that it can be simulated under laboratory conditions.⁸³

French proposes two major types of social organization, bounded and unbounded, as helpful tools in illuminating sociocultural changes among North American Indians after European contact. By bounded groups he means those for which there are overt and stable criteria for membership, such that members interact much more frequently with each other than with nonmembers. By contrast, unbounded peoples lacked the organization either to resist stresses effectively or to find a niche within some part of dominant sociocultural systems.⁸⁴ In a very interesting paper, Hallowell⁸⁵ discusses the

⁸⁰ H. Miner, "Culture Change under Pressure: A Hausa Case," *Human Organization*, 19 (1960), pp. 164-167.

⁸¹ Anne-Marie Shimony, "Conservatism among the Iroquois at the Six Nations Reserve" (Yale University Publications in Anthropology, No. 65; New Haven: Yale University Press, 1961).

⁸² J. R. Fox, "Veterans and Factions in Public Society," *Man*, 61 (1961), Art. 201, pp. 173-176.

⁸³ B. J. Siegel and A. R. Beals, "Pervasive Factionalism," *American Anthropologist*, 62 (1960), pp. 394-417.

⁸⁴ D. French, "Types of Organization and Change among North American Indians," *Akten des 34. Internationalen Amerikanistenkongresses*, *op. cit.*, pp. 153-160.

⁸⁵ A. I. Hallowell, "American Indians, White and Black: The Phenomenon of Transculturation," *Current Anthropology*, 4 (1963), pp. 519-531.

little studied, but widespread, cases in which whites and Negroes became Indianized, a process he chooses to call "transculturation." Hallowell notes that these Indian groups possessed cultures that were particularly receptive to assimilation of alien individuals. To live in such groups one must be "reborn" into them; one cannot remain peripheral.

The diversity of conceptual, substantive, and theoretical concerns in acculturation literature is further reflected in the three final items to be listed in this section. Lehman's monograph is one of the few but important contributions to studies of contact relations between a tribal people and a non-Western civilization.⁸⁶ The Pauls trace the effects of evangelical Protestantism upon the secular-religious hierarchy and marriage patterns in a highland Maya community of Guatemala.⁸⁷ And on the basis of his work in New Guinea, Watson⁸⁸ indicates that an increase in political and social scale may take place through the creation of a caste-stratified society, instead of through progressive cultural approximation of one group to another (the more common acculturation model).

VALUES AND CHANGE

The direct linking of values to culture change occurred no more than some fifteen years ago. Many of the references already cited from the literature of the past five years allude to value-

attitude factors. Only a few, however, specifically structure analyses around value concepts. *Variations in Value-Orientations*⁸⁹ contains the most extensive presentation to date of Florence Kluckhohn's theory of dominant and variant value-orientations and her transcultural classification of value-orientations. Ethnographic and standard interview data from Mormons, Spanish-Americans, Texans, Zuni, and Rimrock Navaho are presented and analyzed at length. All these groups are oriented, not only around dominant values, but also around subsidiary values as well. In discussing the implication of variant value profiles of given groups for change, Kluckhohn and Strodbeck emphasize that each person in a society "has within himself, as a part of his personality," a rank order of value-orientations that enables some individuals always to respond positively to innovation. Caudill and Scarr⁹⁰ used the Kluckhohn and Strodbeck system of value analysis in a study of Japanese value-orientations. From his knowledge of Japanese culture, Caudill predicted the rankings of value-orientations among the 619 respondents (varying by age, sex, and place of residence) used. The most interesting analysis was a comparison of the value-orientations of parents and children in 253 parent-child pairs to assess the distance and direction of value change over one generation.

Goldschmidt and Edgerton⁹¹ have presented a method of eliciting value responses at different acculturative

⁸⁶ F. K. Lehman, *The Structure of Chin Society: A Tribal People of Burma Adapted to a Non-Western Civilization* (Illinois Studies in Anthropology, No. 3; Urbana: University of Illinois Press, 1963).

⁸⁷ L. Paul and B. D. Paul, "Changing Marriage Patterns in a Highland Guatemalan Community," *Southwestern Journal of Anthropology*, 19 (1963), pp. 131-148.

⁸⁸ J. B. Watson, "Caste as a Form of Acculturation," *Southwestern Journal of Anthropology*, 19 (1963), pp. 356-379.

⁸⁹ F. R. Kluckhohn and F. L. Strodbeck, *Variations in Value-Orientations* (Evanston, Ill.: Row, Peterson, 1961).

⁹⁰ W. Caudill and H. A. Scarr, "Japanese Value-Orientations and Culture Change," *Ethnology*, 1 (1962), pp. 53-91.

⁹¹ W. Goldschmidt and R. Edgerton, "A Picture Technique for the Study of Values," *American Anthropologist*, 63 (1961), pp. 26-45.

levels by means of a set of pictures showing choice situations which actually occur in the respondent's culture milieu. They illustrate the technique with qualitative and quantitative data drawn from its use among the Menominee Indians. The Spindlers have developed a similar technique of line drawings—which they call the Instrumental Activities Inventory (IAI)—particularly adapted to the study of value acculturation among the Blood Indians of Alberta, Canada.⁹² They believe it has general utility for the analysis of acculturating communities. By instrumental activities, they mean “those activities that an individual engages in for the achievement and maintenance of a life style and status in the social groups of which he is a member or aspires to be a member.” They believe the IAI differs from the Goldschmidt and Edgerton picture technique in several ways—for example, in that it focuses on a more total conception of the individual's relationship to this social environment, past and present, and that it treats the means as well as the ends of social action and their organized relationship.

Albert contrasts the sociopolitical systems of the Ruanda and Urundi of Africa, in terms of the underlying value structures that promote receptivity to change in the one and only superficial adaptivity in the other.⁹³ In almost all instances encountered, values are described as having a directional influence on social change. Holding certain values inhibits behavioral change; hold-

ing others promotes behavioral change. Shepardson provides interesting evidence to the contrary from the Shiprock Navaho, and shows that pressures which effect alterations in political behavior will bring about change in the value system.⁹⁴

Hammond⁹⁵ generalizes in part from a case study of early Norwegian immigration to distinguish between migrating and stationary sects. The former, he asserts, by deriving cohesion from value-consensus rather than from intimate fellowship, is unable to hold the sect together and may indeed contribute to its disorganization by minimizing the importance of subsistence problems (that is, of realistic stress). In all such cases, he predicts, one would tend to find schism and defection.

As a final item selected from this literature, I wish to cite a paper by Ayal⁹⁶ comparing economic development in Thailand and Japan. The author concludes that the overriding difference between them lay in activist political values in Japan and nonactivist personal values in Thailand. The two countries are instructive in this respect, in that they otherwise—he maintains—were strikingly alike in cultural homogeneity, national identity, centralized government, and exposure to Western methods and markets.

⁹² M. Shepardson, “Value Theory in the Prediction of Political Behavior: The Navaho Case,” *American Anthropologist*, 64 (1962), pp. 742-750.

⁹³ P. E. Hammond, “The Migrating Sect: An Illustration from Early Norwegian Immigration,” *Social Forces*, 41 (1963), pp. 274-283.

⁹⁴ B. Ayal, “Value Systems and Economic Development in Japan and Thailand,” in *Psycho-Cultural Factors in Asian Economic Growth*, ed. M. Nash and R. Chin (Special Issue, *Journal of Social Issues*, 19, No. 1, 1963). Cf. J. M. Halpern, “The Economics of Lao and Serb Peasants: A Contrast in Cultural Values,” *Southwestern Journal of Anthropology*, 17 (1961), pp. 165-177.

⁹² G. Spindler and L. Spindler, “The Instrumental Activities Inventory: A Technique for the Study of the Psychology of Acculturation,” *Southwestern Journal of Anthropology*, 21 (1965), pp. 1-23.

⁹³ E. M. Albert, “Sociopolitical Organization and Receptivity to Change: Some Differences between Ruanda and Urundi,” *Southwestern Journal of Anthropology*, 16 (1960), pp. 46-74.

CONCLUSION

A theoretical and conceptual understanding of social and cultural change, as is apparent from this review, must be informed by a wide spectrum of behavioral science insights. These have been widely drawn in the past five years—indeed, for the past generation of scholarship—from the psychology of learning, cognition, and perception; culture theory; and social structural concepts. Hagen's book attempts the most systematic synthesis of a theory of change in all these respects, but it has a

number of limitations, some of which have been pointed out above. The enterprise is indeed complex, but we now possess a number of leads and suggestions for testing several dimensions of continuity as well as change. Many of the studies reported consist primarily of descriptions from empirical data based on highly specific situations. In sum, however, they can provide further basis for theorizing at higher levels of generalization. As greater interdisciplinary communication takes place in the years to come, we may hope for more satisfying theories of predictive value.

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INTERNATIONAL RELATIONS

EVAN LUARD (Ed.). *The Cold War: A Re-appraisal*. Pp. 347. New York: Frederick A. Praeger, 1964. \$8.50.

Americans have come to expect much of British scholarship in matters of world affairs. Whatever the level of expectation, however, the reader of this volume will not be disappointed, for its dozen essays represent the highest standards of clarity, evidence, and judgment. Together these essays, the work of twelve different authors, portray the history of the Cold War in all of its aspects from 1945 until the mid-1960's. Because of sound planning there is little overlapping and almost no conflict in interpretation. The authors tend to agree on the basic character of the Cold War—its origins and its course. Their combined effort reveals in large measure the almost total unity in outlook between British and American students and writers who work in the area of international relations. Thus, this volume contains little that is new or strange; there is far less reappraisal of the Cold War here than the title suggests. The book's importance rests in its comprehensive integration of the essential historical materials covering the past twenty years.

Anchored to the concept of limited struggle, this volume proclaims an altogether hopeful view of the Cold War. The

opening two essays trace, in terms of concrete issues, the rise of the Communist challenge in both Europe and Asia between 1945 and 1950. The following six essays analyze, largely for the period of the 1950's, such troublesome topics as Germany, Berlin, the Middle East, Southeast Asia, Africa, and Latin America. Next, in two perceptive essays Edward Crankshaw and Max Beloff study respectively the increasing diversity in outlook in both the Communist and the Western worlds. In the final two essays Evan Luard, the volume's editor, describes the conditions for coexistence, and Sir William Hayter suggests a long view of the Cold War's possible future. Hayter takes the Soviet rhetoric of conflict and ultimate victory seriously enough to predict the indefinite continuation of the Cold War, but he accepts as valid Khrushchev's rationale that since victory for any system or nation in war is impossible the struggle must take a variety of nonmilitary forms. The conflict, he predicts, will center in areas outside the North Atlantic world and may result in some triumphs for Communist elites in the underdeveloped regions. But the West, he concludes, is strong enough to permit such changes without much loss of security. In all this there is laudable moderation but little that is intellectually unique.

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that the Cold War has changed, raises questions which every student of the recent past must ponder. Perhaps the generally cited factors that have produced the change are obvious enough—the nuclear stalemate, the stability of Europe, the strains within the Soviet and Western blocs, and the rise of the third world, for all of these developments have tended to depolarize world politics. Still, these factors in themselves do not explain everything. Not one of the specific issues over which the nations began their quarrel in the late 1940's has been settled, and yet the Cold War is different from what it was then. This suggests that the conflict was always less over the actual interests of nations than over what leaders, propelled by political and ideological considerations at home, chose to make of those issues. What has changed has been the rhetoric and the resulting mood, a largely independent factor which has little relationship to the specific questions and even the ideological concepts which comprised the original sources of conflict. It is significant that the Kremlin leaders and the spokesmen of the West have spilled millions of words but no blood, for essentially the resolution of none of the issues in conflict, by common agreement, is worth a war. Much of the quarreling of the past twenty years, moreover, differs little from that of past eras and, thus, hardly merits the designation of a Cold War. Clearly, as Luard suggests so well in his introduction, it is not always easy to determine what the Cold War is all about.

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ADAM BROMKE (Ed.). *The Communist States at the Crossroads: Between Moscow and Peking*. Pp. viii, 270. New York: Frederick A. Praeger, 1965. \$6.00.

It is now widely accepted that the conflict between Russia and China is gradually modifying the contour map of the political world. If in the long run the most decisive change may be that introduced into the relations between the Soviet Union and the United States, for the present, the

repercussions, even if they act only indirectly, are most clearly visible in the other countries of what was once, but can no longer be, called the Communist bloc.

Not that the conflict was itself, in most cases, the precipitating factor. It is, after all, ten years since relations between the Soviet Union and the Communist countries of eastern Europe began to lose their uniform character and took on a shape molded, at least in part, by particular local circumstances—although two of the contributors to the volume under review continue to use the term "satellites." But for some time the centrifugal trends revealed by the 1955–1956 upheavals had seemed to lose their force. Now, with the steady aggravation of the Sino-Soviet dispute, they have again taken on momentum, though starting perhaps from different points and moving in different directions; for some Communist countries the rivalry of the two major Communist powers has opened opportunities to assert and to establish their particularist claims; for others it has created painful dilemmas; and some appear more or less untroubled.

How it all works out in the individual countries is the subject of eight of the essays included in this symposium. In addition there are a wide-ranging and judicious essay by Professor Mosely, devoted mainly to an analysis of Soviet policies, two essays on relations between Moscow and Peking, one on economic relations among the Communist countries, and a concluding essay by the Editor which, though its title is perhaps misleading, indicates clearly and sensibly the repercussions of the Sino-Soviet dispute outside the Communist world.

Professor Croan's essay is exceptionally interesting and well written—his subject, East Germany, having the additional dimension of being a world as well as a regional problem; Mr. Brown displays his customary mastery of the East European scene in dealing with Romania and Bulgaria; and Mr. Langer, who tackles the formidable job of putting Outer Mongolia, North Korea, and North Vietnam in their right place, has been remarkably successful. He has a gift for generalizations which are not superficial and for summarizing a chain of events concisely and

intelligibly. Professor Skilling is informative and perceptive on Czechoslovakia

The least satisfactory contributions are those by Professors Dziewanowski, Vali, and Drachkovitch on Poland, Hungary, and Yugoslavia, respectively. Can we, on this evidence, hazard the generalization that a writer who has no personal connection with the country he is writing about is likely to be more informative and more lively than one who has?

JANE DEGRAS

Assistant Editor

Journal of Contemporary History

London

NEVILLE BROWN. *Nuclear War: The Impending Strategic Deadlock*. Pp. 238. New York: Frederick A. Praeger, 1965. \$6.50.

This book provides a comprehensive survey of Western and Soviet strategic postures. Though it includes a number of well-supported criticisms of the North Atlantic Treaty Organization's (NATO) deployment of weapons in Central Europe, it is mainly an inventory of the weapons systems, and its virtues and limitations are essentially those of a work of reference. As such, it will be very useful to anyone concerned with strategic questions. Its severely precise information—mostly technical and financial—covers the entire range of contemporary weapons, conventional as well as nuclear, and the final chapters, on the defense of Europe, also touch on matters of strategic doctrine.

The author's special concern with cost-effectiveness not only brings out the strategic importance of "simple economic tests" but incidentally confronts us with facts that ought to give pause to us all, whether inside or outside the defense establishment. We all, of course, "know" of the astronomical size of defense budgets, but their very enormity numbs us against their reality and human meaning; just as the endemic knowledge that, at the same time, a majority of mankind remains in primitive need lies outside our effective motivation. It is not only in terms of strategic cost-effectiveness that it may be useful to note that, for instance, a single British P1 "Lightning" plane "costs £4,000,-

000, which is 80 times as much as a war-time 'Spitfire' I in money terms and about 45 times as much in real terms," that each "Polaris" contains "three Inertial Navigation Systems costing \$2,000,000 each," or that the "Atlas" Intercontinental Ballistic Missile (ICBM) program "stands completed with 126 missiles operational" at a cost of \$5,000,000,000.

Mr. Brown's criticisms of NATO's forward strategy in Europe relate mainly to the dangers of not distinguishing sharply enough between troops deployed forward ready to engage in nonnuclear conflict and those deployed in the rear ready to conduct a nuclear defense; at the same time, however, his apprehensions that the "pause" doctrine, which stipulates that resistance should initially be nonnuclear, could expose NATO's forward troops to a massive preemptive nuclear strike and subsequently give rise to a much more uncontrollable counter-blow lead him into an even more perilous advocacy of a possible "tactical" first strike. It is a measure of the desperateness of nuclear exigencies that the author's very convincing criticisms of the NATO doctrine actually lead him to suggest the destruction of "a small town in eastern Europe or western Russia after expiry of an ultimatum" as a possible reply to "minor aggression," by way of NATO's strategic—not to mention moral—salvation.

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ELEANOR LANSING DULLES and ROBERT DICKSON CRANE, with the assistance of Mary Catherine McCarthy (Eds.). *Détente: Cold War Strategies in Transition*. Pp. x, 307. New York: Frederick A. Praeger, for the Center for Strategic Studies, Georgetown University, 1965. \$5.95.

The current *détente* marks great and accelerated changes in international politics. Following in the wake of a classic nuclear confrontation between Moscow and Washington over Cuba, it has brought the first arms control agreement directly affecting nuclear weapons and has survived the fall of Khrushchev, its initiator, and the escala-

tion of the conflict in Vietnam. The year of its birth, 1963, saw the stalling of the Common Market and efforts for European political union, the denouement of the Sino-Soviet conflict, and the virtual end of decolonization. The falling out of Russia and China, polycentrism in eastern Europe, and the crisis in relations between the United States and France in the North Atlantic Treaty Organization (NATO) are manifestations of resurgent nationalism. They are also dramatic signs of an erosion of the rigid ideological and nuclear bipolarity that characterized the aftermath of the Second World War. The diffusion of nuclear capabilities might soon include powers outside the Communist or Western coalitions and underscores the central role of nuclear conflict technology in the changes just indicated—possible way stations on the road to a new international balance of power.

The trends and the changes just noted are addressed by the authors of *Détente* with varying degrees of commitment. Primary focus is on the Cold War, however, and the bulk of analysis deals with the motivations and calculations of Moscow. Therein lie the great merit and the chief shortcoming of the book.

Focusing on Soviet incentives has given the authors the opportunity to examine the ways in which Communist ideology motivates, informs, and guides Moscow's policy of *détente* toward the United States and to explain how Soviet leaders rationalize their military policy and their doctrinal differences with China. All contributors have written thorough and stimulating analyses of the ideological aspects of the *détente*. Richard Allen explains how Communist doctrine rationalizes such a policy. Malcolm Mackintosh discusses the specific motivations that led Khrushchev to promote an easing of tensions in 1955, 1959, and 1963. The impact of the political evolution that followed de-Stalinization on the prospects of prolonging the *détente* is discussed by Klaus Mehnert. Thomas Wolfe analyzes the effects of the revolution wrought by nuclear weapons on Soviet military doctrine, which, he underlies, remains in flux. In a second essay, he relates current doctrine to the possible conse-

quences of Khrushchev's downfall on Soviet military policy and the *détente*. This is the only essay of the book written after the change in Soviet leadership and the first Chinese nuclear detonation. The effects of Soviet policy in Berlin up to 1964 and the disarmament policies and positions of the Soviet Union in arms control negotiations since 1963 are assessed as indices of *détente* and as techniques for political warfare by Eleanor Dulles and James Dougherty, respectively. Robert Crane, in an essay completely devoted to the ideological differences between Moscow and Peking, compares the opposing strategies of the Chinese and Soviet regimes on the "inevitability" of general war, the political character of warfare, and the nature of conflict control.

Except for Mehnert and Wolfe, who give much greater weight to events and factors outside the Kremlin's capacity to manipulate or control, the authors conclude that the *détente* is a form of "peaceful coexistence" and primarily a strategic doctrine serving the world-wide Communist movement. This assessment is shared by the distinguished diplomat, Robert Murphy, who introduces the volume.

Both Moscow and Peking strive for a Communist world, and this is the major cause of the East-West conflict. Yet while the *détente* is singularly dependent on Soviet behavior, it also results from a complex of factors that transcend Communist ideology and the Soviet Union. Failure to distinguish sufficiently between the aspirations of organized Communists and the foreign policies of the Soviet Union, China, and other Communist countries detracts from the book as a whole. This may explain the almost exclusively ideological treatment of the Sino-Soviet conflict and the neglect of developments in eastern Europe. Other factors important in causing Khrushchev's strategy of intimidation to fail—like American strategic superiority—are adequately considered by few of the contributors.

This lack is partially overcome by the wide-ranging and thought-provoking essay by David Abshire on United States grand strategy. An eloquent exposé of French nuclear strategy by General Gallois and an

impassioned plea for European unity by Klaus Mehnert round out the discussion of Western strategy.

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BERTRAM D. WOLFE. *Marxism: One Hundred Years in the Life of a Doctrine*. Pp. xxiii, 404. New York: Dial Press, 1965. \$6.95.

If this book has a moral, it is the impossibility of studying ideas apart from their historical setting. To understand the *Communist Manifesto*, for example, we must know the intricate interplay of factions, personalities, traditions, aspirations, and objective conditions that together constituted the action situation of Marx and Engels in 1848. In other times and places, the role and interpretation of the *Manifesto* would be quite different. In no case can we invoke a permanently and universally valid meaning for that declaration.

Wolfe's major theme is the failure of Marxism to cope with nationalism and war. Neither, he says, can be reduced to camouflaged class interests. Did not Socialist theory long argue that workers have no country? Yet in 1914 Socialists and workers alike fell dutifully into line with their respective warring governments.

Wolfe's technique—often telling—is to highlight the discrepancies between Marxist theory and historical fact. Thus, the 1871 Paris Commune, which became a keystone of Marxist mythology, was actually non-Marxist in leadership and inspiration. Similarly, other Marxist dogmas are refuted: the belief that workers—once given the ballot—would happily vote Socialist and the prophecy of imminent capitalist collapse. On the other hand, little attention is directed to cases where Marx turned out to be right. The prevailing air of the book is partisan ideological warfare rather

than independent scholarship. To apply the author's own method: during the Korean War, Wolfe was an employee of the United States Department of State and of the Voice of America.

Yet the book is useful and interesting. There are sketches of several key phases of Marxist development. But the last chapter is probably the best. Marxism survives, says Wolfe, because it is a utopian faith, impervious to rational criticism. In a time of growing frustration, Marxism proclaims the ultimate triumph of the disinherited, who "becomes the redeemer, not only of himself, but of all mankind" (p. 370). This is a profound insight. It should have been the beginning of the book, however, not the end.

What intellectual problems could be more challenging than the roles of Marxist ideas in different social movements? Wolfe's work offers some important insights. The greater part of this analysis, notwithstanding, is still to be done. Meanwhile, we suggest that Wolfe confuses logical and historical criticism with sociological analysis; for logical inconsistency and historical distortion—these are Wolfe's main charges against Marxism—are irrelevant, when we are considering a functional analysis of Marxism as a social movement. Indeed, inconsistency and misrepresentation are prime attributes of charismatic leaders and utopian crusades.

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CHARLES E. LINDBLOM. *The Intelligence of Democracy: Decision Making through Mutual Adjustment*. Pp. viii, 352. New York: Free Press, 1965. No price.

The Intelligence of Democracy is a continuation and elaboration of the work in the area of bargaining theory that Professor Lindblom has been conducting for many years both in his own writings and in his collaborations with Robert Dahl and David Braybrooke. He challenges the widely held notion that rational or efficient government requires some centralization of authority to co-ordinate otherwise disparate and conflicting policies by at-

*The views expressed are those of the reviewer. They should not be interpreted as reflecting the opinion of The RAND Corporation or the policy of any of its research sponsors.

tempting to show that political systems, as well as economic systems, require dispersion and fragmentation of power to achieve the rationality or efficiency ordinarily attributed to central co-ordination. Professor Lindblom examines cases where adjustments are adapted to parameters beyond the control of the decision-maker, manipulated adjustments, mutual adjustment, and central decision-making to provide a synoptic view of the decision-making process in the political context.

Although Professor Lindblom believes that his statements likely would apply to any kind of political system, his actual discussion is carried on within the context of the American variant of democratic government. Although Professor Lindblom claims only that his discussion invalidates the usual arguments for central co-ordinated decision-making and does not argue that it establishes the superior efficiency or rationality of decentralized decision-making for every kind of circumstances, he does appear very strongly to believe that such a conclusion would follow from empirical investigation. There can be little doubt that Professor Lindblom has examined the arguments for centralized and decentralized decision-making with much greater care, thoroughness, precision, and subtlety than has hitherto been the case. His book, therefore, performs a distinct and important service for American political science and should be read by all students of the discipline. Although Professor Lindblom is an economist by background and although he likely would have been unable to write this book in the absence of that training, his true interests and important contributions to the scientific literature are central to the discipline of political science. Perhaps an approach of this kind will breathe some fresh life into the field of public administration.

Professor Lindblom recognizes that decentralized decision-making is not superior under all circumstances, as is also the case in economics, and provides some models for the nonconforming cases. He also supplies a list of important questions to be asked (pp. 297-298), including whether there are clear criteria for decision and clearly defined solutions, whether decisions can be

made incrementally, whether policy mistakes are remedial, and so forth. He may not be sufficiently aware that many of the most important political decisions may not fit the criteria for decentralized decision-making and that the amorphous and poorly defined propositions in the existing literature may not be so far wrong even if they are often poorly reasoned. For instance, in order to hold his coalition together on foreign policy, President Johnson feels impelled to escalate while holding out a plea for negotiations. Thus, he loses the option of withdrawing while, according to reports from Moscow, his pleas for negotiations, although reassuring his domestic critics, have perhaps convinced the Communists that his escalations need not be taken too seriously. Many other examples from American politics could be offered. In France, General de Gaulle pulled out of Algeria, much to the relief of the French public, in a way not open to any of the parliamentary regimes. Even in one example when Professor Lindblom cites in his favor gasoline rationing during the Second World War, where the regulations would have led to serious problems in the absence of mutual adjustment, one wonders whether the mutual adjustments were really consonant with efficiency or rationality or whether a better set of rational rules would have worked better than either cited alternative. In some respects the real problem may be to devise sets of central rules that permit the best and most rational forms of mutual adjustment. And this insight may underlie some of the poorly expressed folk wisdom of political science. However, regardless of whether the emphasis of Professor Lindblom will withstand empirical investigation or not, his book will make an important contribution to the political science literature, one that we will all have to cope with.

MORTON A. KAPLAN

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BENJAMIN AKZIN. *State and Nation*. Pp. 214. New York. Hilary House, 1964 \$3.00.

Professor Akzin holds that nationalism, not necessary either good or bad, will be here for a long time, though it may some day give way to a supernational world order. He belongs, therefore, among the revisionists, against those nineteenth-century romantics and their heirs who held nationalism a good, sometimes even the highest value, and those nineteenth-century radical rationalist critics and their heirs who held it an evil, sometimes even the greatest corruption of social living and the chief and worst impediment to humane enlightenment.

His purpose, however, while arguing that it has played a major role, both for good and for ill, in the making and functioning of the modern world, is primarily to discover the degree to which it has, in its varied forms and expressions, been congruent with and adjuvant to the state and its development and stability as the modern form of architectonic political social organization, and how far the two have been oppositional and conflicting. In all this, he is interested in the actual and potential dynamics of their relations and in the possibilities of, and impediments to, stabilizing solutions.

His technique is analytical and classificatory, and he deals carefully, within his framework, with a vast number of factors, manifestations, and attitudes, involved in ethnic belongings and allegiance and political institutions and techniques as they cope therewith. He presents and discusses illustrative examples; he makes clear the diverse dialectics of states and nations; and he shows the possible roles under varied circumstances of religious divisions, different tongues, and the like.

Unfortunately, the methodology on which the work rests is not rendered fully explicit; the meaning, roots, and role of the state, as distinct from nation, are not completely clear, and the ethnic explanation or description of nation in truth does not resolve all difficulties, since what makes an ethnic unit—itsself seemingly a varying composite—is far from self-evident and is not explained by listing of components or reference to anthropology.

Granted the limitations of factor analysis and of descriptive exhibition of a field,

Professor Akzin's volume is of enormous value as a thorough listing, with illustration by examples, of possible combinations, concatenations, and outcomes. Unfortunately, the compression of the material, the close small type and format of the book, and an index which combines adequate listing of proper names with sketchy listing and subdivision of concepts regrettably rob the work of much of its value for the student. An old-fashioned analytical table of contents or a series of tables, covering actual and logical—or sociological—forms and the possible results of interactions, would have been enormously valuable.

Finally, while this detailed exposition is of real value as a corrective to a revisionism which gives a general construction of the creative and functional role of nationalism in a perceptive but too imprecise way, this listing of trees, of conditions for their growth, of determinants of their shape, and of their life expectancies does involve loss of perspective and lack of a clear view, earth-bound or aerial, of the woods.

THOMAS I. COOK

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ERNST B. HAAS. *Beyond the Nation-State: Functionalism and International Organization*. Pp. xii, 595. Stanford, Calif.: Stanford University Press, 1964. \$11.50.

Professor Haas once again shows his best in synthesis and creativity in his latest study of international organization by making use of the recent research findings of the social sciences. The central theme of his book is a construction of a paradigm for international integration and an examination of the International Labor Organization (ILO) as a model capable of transforming the international environment to be conducive to the pluralistic-modernizing-industrial complex toward which the world seems to be moving. To test his hypotheses the ILO is chosen as a case study in view of its welfare demands and its pluralistic nature shown by such an institutional principle as the tripartite representation. His conclusion is negative for

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the ILO is not capable of transforming the environment but is in turn influenced by the systemic characteristics.

From the methodological standpoint Haas's work is "self-consciously eclectic"—a combination of theory, model, and case study—which the author identifies as "contextual analysis." However, the reader will probably gain an impression that the author is really interested in the synthesis of the system theory and historical sociology. In this connection the title of his book, "Beyond the Nation-State," assumes a significance. As he depicts the attributes of the future international system using the somewhat confusing characterization "heterosymmetrical multipolarity with reasonable stability," the author attains the height of his imaginative reasoning. His conclusion regarding the ILO is extended to predict the future state of affairs: "The future system I am sketching is no more automatic than its predecessor. It will rest on the aims, hopes, hates, and fears of the actors in the nation-states and international organizations that inhabit it. The system's functions, as in the past, will be the result of that interaction among acting units which produces outputs not entirely in accord with the original inputs, outputs which contain an element of the unintended and which continue to offer the capacity for transforming the system. Actors remain central in this development. Outputs can and do result from what the actors have 'learned' about previous interactions" (p. 487). However, unlike the other recent system theorists in international relations—for example, Kaplan and others represented in the October 1961 issue of *World Politics*—whose works are speculatively analytic, Haas's work is of the concrete variety armed with case studies and hypotheses. He is more sophisticated in the use of the sociological concepts like organization theory.

In the tradition of the Princeton study group, as seen in the works of Richard Van Wagenen, *Research in the International Organization Field: Some Notes on a Possible Focus* (1952), and Karl W. Deutsch and Others, *Political Community and the North Atlantic Area: International Organization in the Light of Historical Experi-*

ence (1957), Haas is also preoccupied with the problem of international integration. This is obvious as Haas asks whether an international organization, such as the ILO, is suited for the task of integration and hence lays the foundation for a political community beyond the nation-states in the days ahead. Perhaps this is an impossible objective for an international organization to attain. Haas's research findings which have been derived from a painstaking, meticulous process of careful investigation are a foregone conclusion. We may reach a similar conclusion by simply formulating a more modest and conventional view about the nature of international organization. When we properly recognize the limited role and possibilities of international organization as a voluntary association of states, a species of formal organization *à la* Tönnies' Gesellschaft, then we come to a conclusion that international organization is essentially an instrument of sovereign states and therefore is incapable of transforming the environment but is, in turn, subject to influence by the environment.

Haas's book is a pioneering work in the study of international organization and will no doubt remain as a classic for the empirically oriented students of international relations in the years ahead.

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EUROPEAN GOVERNMENT AND HISTORY

D. GEORGE KOUSOULAS. *Revolution and Defeat: The Story of the Greek Communist Party*. New York: Oxford University Press, 1965. Pp. xiv, 306. \$7.00.

Professor Kousoulas, already known for his book, *The Price of Freedom: Greece in World Affairs, 1939-1953*, now contributes another important work in the field of twentieth-century Greek history. During the decade that has elapsed between the publication of the first volume and the one under review, the author has developed his talents as a professional historian

and has advanced to a position of objectivity, which under the circumstances is not easy to attain. Time and distance, from Greece, where the author was born, plus the cool academic atmosphere of a college campus, have contributed to the more detached tone, which characterizes this volume. At the same time, painstaking research on a wider scale and more systematic organization of the material, together with the complete coverage of the subject, make this book the best account, so far available, of the Greek Communist party (K.K.E.) within the framework of Greece's political life in the last four decades.

The author goes to the beginnings of organized communism in Greece, in the closing years of the First World War. Two events that followed upon the triumph of the Allied Powers and involved Greece in further conflict were the expedition to the Crimea and the war in Anatolia, which ended in Greece's defeat. Defeat brought with it the displacement of a million and a half Greeks from Turkey and a smaller number from the Soviet Union. However, the Communist party made little progress among the refugees because of the slow rate of industrialization and conservative character of Greek society, but also because of the lack of Communist party discipline and vacillating and confused party policy as to the territorial integrity of the already mutilated country. This was the question of Thrace and Macedonia, both of which were coveted by Greece's northern neighbors, despite the overwhelming Greek majority that inhabited the provinces. It was not until the K.K.E. decided to change its course and place itself under the so-called "new leadership" that the Communists began to acquire some strength among the masses of the larger urban centers. Even then, their electoral strength was negligible. In the election of January 1936 they had fifteen members in Parliament, which numbered 300 seats. But the failure of the two great parties—the Venizelists and the anti-Venizelists with 141 and 143 seats respectively—to form a cabinet and their progressive involvement with the Communist representatives paved the way for the dictatorship of General Metaxas (1936–1941), which destroyed the

K.K.E. completely. The party appeared again, with additional strength, during the war and the Axis occupation of the country, when the people of Greece were on the brink of despair as a result of the famine. This time the K.K.E. could influence and use for its purposes the National Liberation Front, which was virtually in control of the country at the time of liberation. The fateful month of December 1944 ended this phase of the K.K.E.'s bid for power. The last attempt was made between the years 1946 and 1949, and this, too, ended in defeat, which the author describes in detail. The operations, conducted by the Greek Army, under the supervision of General Van Fleet, ended in complete annihilation of the fighting power of the Communist guerrillas. Henceforth, the menace seemed removed, and Greece took her place among the North Atlantic Treaty Organization (NATO) Allies.

This, in brief, is the story of the Greek Communist party. The full account is presented in four parts—the early years, the "new leadership," the war period ending with the December rebellion, and finally the "third round," which is the civil war. The bibliographical references to each of the four sections are adequate, and the Bibliography includes the main works written in Greek, Russian, and other languages.

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ALLEN KASSOF. *The Soviet Youth Program: Regimentation and Rebellion*. Pp. 206. Cambridge, Mass.: Harvard University Press, 1965. \$5 50.

Mr. Kassof differentiates between four major purposes of the Youth Program in the Soviet Union: (1) to create a "new man," (2) to perpetuate the social transformation of Soviet society by the modernization of the country in its social and economic aspects, (3) to insure political control by the Party through extending it into the Youth Movement, and (4) to prevent the emergence of deviancy from the approved official viewpoint among the young. The resultant conflict among these

purposes becomes the main theme of the author's discussions. His major emphasis falls on the rank-and-file membership of the Youth Movement, the underlying philosophy, and the techniques used in implementing the program. Among many issues described in great detail are the training process of the Soviet child, the Youth Organization as it appears today, the Youth Program in action, and the issue of "problem youth"—of those who reject Comsomol morality. Though the author deals with the Youth Organization from 1950 until the present, he wisely includes historical background without which the present would be hard to comprehend.

While this book contains extremely important materials, its value is somewhat diminished by two major weaknesses: (1) Instead of presenting data and research material at their face value and leaving it to the reader to draw his own conclusions, the author injects his value judgments and opinions in such a way that they become inextricable, making it hard for the reader to weigh the facts presented. (2) The mixture of primary publication source material, of information gained through interviews with post-Second World War refugees from the Soviet Union, and of the author's own opinions is confusing. No doubt, all three are of great importance and have a definite place in this book. It might have helped, however, if they had been presented in sharper separation. To justify his procedure, the author states that "since Soviet media are controlled by the government and often serve propaganda functions, the image they convey of Soviet Life would, if accepted uncritically, be a grotesque distortion of reality." Hence, Mr. Kassof takes it upon himself to interpret—"with the skepticisms and caution which are routine requirements of any objective inquiry." There is no doubt, though, that even with these shortcomings, the book contains a rich amount of most interesting material which ought to be of use to any student of Soviet life and society.

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LAURENCE LAFORE. *The Long Fuse: An Interpretation of the Origins of World War I*. Pp. 282. Philadelphia: J. B. Lippincott, 1965. \$4.50.

Over the past decade significant scholarly work on the origins of World War I has attested a renewed interest in the subject. *The Long Fuse* is another proof of this revival, although it presents an interpretation of events from 1871 for the student and general reader rather than the scholar. It differs from previous interpretations in emphasizing that the one "problem that was neither negotiable nor representable was that raised by threats to the integrity of Austria-Hungary" (p. 268). This is an eminently tenable thesis and requires a discussion of the structure of the Habsburg Empire (chapter 2) that is a commendable addition to the usual treatment of war backgrounds. Otherwise the story of diplomacy, of recurrent crises, and of their resolution follows a fairly well-established pattern.

While the general level of accomplishment in respect to accuracy of generalization and clarity of organization is high, several faulty generalizations, a few errors, especially in names and dates, and some omissions betray a failure at many points to achieve a firm grasp of the basic details and their significance. A few examples will illustrate these lapses. Austria-Hungary never agreed to support Germany if it were attacked by France (p. 96), either in the alliance of 1879 or in the Triple Alliance. There is virtually no evidence that the French "were working overtime to sponsor" the Anglo-Russian Entente of 1907 (p. 135). Great Britain did not gain acceptance from Italy of its occupation of Egypt in return for approval of Italy's Libyan venture, nor did France promise to "support" it in return for Italian "support" of French ventures in Morocco in the agreement of 1900 (p. 168). These agreements, incidentally, belong in the context of Delcassé's and Britain's policies which led to the Entente Cordiale and should receive more extensive explanation than that given. Slavic names are sometimes misspelled as, for example, "Obrana" for Odbrana, and "Tanksovich" for Tankosich (p. 180).

The treatment of the 1914 July crisis, however, is unusually well done. Here the author relies greatly upon Albertini, but does not go as far as he or Fritz Fischer in accusing Germany of a "sinister effort" to push Austria-Hungary into war. All in all, and despite the faulty generalizations and errors, some of which have been noted, *The Long Fuse* is a well-written and well-conceived introduction to the origins of the War of 1914.

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JOHN A. THAYER. *Italy and the Great War: Politics and Culture, 1870-1915*. Pp. x, 463. Madison and Milwaukee: University of Wisconsin Press, 1964. \$10.00.

Two decades after the military defeat of German nazism and Italian fascism, serious scholars are finally beginning to probe into the background of both movements. While it is generally conceded that German nazism, with its total relapse into nihilism and inhumanity, poses more serious problems for the student of recent history than Italian fascism, the importance of the latter should not be minimized. By contrast with German nazism, Italian fascism was less of a challenge to the deepest traditions of Western civilization. Yet, as measured by the standards of liberal Europe, Italian fascism did represent a temporary lapse and decline that cannot be ignored. Moreover, while fascism in Germany always remained *sui generis*, Italian fascism was the model more often imitated in other countries during the two decades of the middle 1920's to the middle 1940's. It is therefore likely that, should fascism ever become again a major force in the future, the Italian rather than the German model would be the more influential one. For this reason, any serious contribution to a better understanding of the background of Italian fascism is most welcome. Professor Thayer's volume in the area of historical scholarship is such a major contribution. Although his work stops at

1915, or four crucial years before Mussolini started the Fascist movement, the period of 1870 to 1915 provides a skillfully chosen period in which the foundations of post-*risorgimento* Italy, liberal, parliamentary, and steadily progressing toward fuller economic and political maturity, were increasingly sapped by the destructive forces of imperialism, irrationalism, nationalism, and a blind cult of violence.

In treating the period of 1870 to 1915, the author maintains a judicious balance between the coverage of major domestic and foreign issues. Among the former, he deals at length with the economic and political problems, including the as-yet unresolved problem of the south, that faced the new united Italy. In dealing with the basic political forces and institutions—such as political parties and parliament—he does not chronicle dates and events, but digs into the deeper layers underneath the surface. In the area of foreign affairs, the author concentrates on the major issues of the Triple Alliance, the war in Africa, and the coming of World War I. Wisely concentrating his attention on major issues, he is able to develop their historical and cultural context with a mass of supporting evidence that is presented with the authority of sound erudition as well as considerable literary grace. The author's central line of attack in coping with his complex materials is through the study of the impact of ideas and broad cultural trends on social and political events. Neglected by many historians for some time, this method still can be most fruitful and enlightening if used by a writer who combines a capacity for broad theoretical analysis with a keen eye for concrete data.

For the student of fascism, there are frequent references to the men and forces that paved the way for fascism, and a separate section on "The Emergence of Mussolini" (pp. 262-270) focuses on his activities in the early phase of World War I. There are still those who see in Mussolini's turn to fascism a not unnatural result of his earlier Socialist convictions. In the opinion of Professor Thayer, however, "Mussolini's intellectual origins were not those of Marxist scientific socialism. His outspoken antipatriotism, vulgar anti-

clericalism, and romanticized view of individual action, as well as his early literary efforts, placed him in the company of the deracinated literati more than in the camp of socialist theoreticians" (p. 263).

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EDWARD C. THADEN. *Russia and the Balkan Alliance of 1912*. Pp. 192. University Park. Pennsylvania State University Press, 1965. \$7.50.

Throughout the nineteenth century European diplomacy was plagued by the problem of what to do with the "Sick Man" who controlled the Near East. So persistent and prominent was this problem that the phrase, "the Eastern Question," became a cliché with journalists and historians. Countless solutions of all varieties were continuously being proposed, until finally in 1912 the Balkan states took the initiative by organizing an alliance and driving the Turks almost completely out of Europe. Traditionally, it has been held that Russia promoted this Balkan Alliance in order to use it as an instrument against Austria-Hungary and Turkey. According to this thesis, Russia was motivated by a sense of "historic mission"—by the determination to realize Catherine's dream of winning Constantinople and reaching the sea.

In this re-examination of Russia's Balkan policy, the author has utilized new materials which the Soviet government published in 1938-1940, but which hitherto have received little attention. His main conclusion is that, with her pressing internal problems in the wake of the 1905 disasters, Russia's Balkan policy was conservative and restrained. It was Balkan diplomats rather than Russians that first conceived the Balkan Alliance. Far from wishing to use the Alliance against Turkey, Russia dreaded the prospect of a Turkish debacle that would create a host of dangerous problems in the Near East. Of particular concern was Bulgarian occupation of the Straits in the event of a Turkish collapse. Indeed, the rapid advance of Bulgarian troops toward Con-

stantinople during the first Balkan War so alarmed the Russians that they considered sending an expedition to the Straits to safeguard their interests, and they were much relieved when the Turks stopped the Bulgarians at the Chatalja fortifications.

Even against their chief rival, Austria, the Russians planned to use the Balkan Alliance not aggressively, but as a defense barrier to block Vienna's apparent *Drang nach Soloniki*. The extremely anti-Austrian Izvolski and Hartwig exerted less influence on policy-making in St. Petersburg than hitherto believed. Hence, the conclusion of this modest but competent study is that "Russia's Balkan policy during 1911 and 1912 was highly realistic and her objectives limited. . . . After the fall of 1912 Russia was in a much stronger position than she had been previously—not so much from increased military appropriations or better army and naval organization, but from the skill of the Russian Foreign Ministry in dealing with the Balkan crisis" (pp. 135-136).

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ROGER LOCKYER. *Tudor and Stuart Britain 1471-1714*. Pp. xvi, 484. New York: St. Martin's Press, 1964. \$5.00.

Mr. Lockyer, Lecturer at the University of London, has undertaken the unenviable task of covering, in a little over four hundred pages, two of the most crowded and confused centuries in British history. His book draws mainly upon secondary sources and contains little that is new for serious students of the period. It is intended for beginning undergraduates and general readers, and as an introductory text, it has many virtues. Narrative and argument are nicely balanced and lucidly presented. Apt quotations and pertinent examples are skillfully selected to clarify important points. As in most general histories, condensation has resulted in occasional oversimplification, but the interpretations are usually judicious and thoughtful. Above all, the author reveals a strong sense of historical narrative, and at all times his book is thoroughly readable. Since there are few single-volume works covering these

centuries, many students will be pleased to find such a cogent and intelligent work on the market.

Three major failings, however, weaken the value of Mr. Lockyer's study. The author's principal aim is to present an "interim report" on the controversies which have raged—with greater fury than historical judgment—among Tudor and Stuart historians and to integrate the latest interpretations into a general history. This admirable objective is only partially realized. In the earlier part of the book, his analysis of the newness of the "new monarchy" and of Thomas Cromwell's contributions to Tudor administrative changes is thorough and sound, but later on the pressure of crowding so much history in such little space has forced Mr. Lockyer to handle rather flimsily the researches of recent scholars. The rise of the gentry, the relationship between capitalism and Protestantism, and the role of ideas in the coming of revolution are superficially discussed, and the "interim report" will be somewhat confusing to readers unacquainted with Trevor-Roper, Tawney, Stone, Hill, or Hexter.

Secondly, Mr. Lockyer has felt obliged to tell the whole story, and although he successfully places England against the Continental background, his survey of England's possessions at home and abroad has added little of value to his work. By concentrating upon political events in so many areas, he has left himself little time for intellectual and economic developments, and these are very inadequately treated.

Lastly, the book fails to recapture the essence of the strong personalities who influenced the course of history in these years. His wooden treatment of Oliver Cromwell and others robs his analysis of much meaning and his narrative of much drama and urgency. An awareness of the latest interpretations is all well and good, but the author would have done well to remember that history is, after all, the study of men in time.

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AUSTIN RANNEY. *Pathways to Parliament: Candidate Selection in Britain.*

Pp. xiv, 298. Madison: University of Wisconsin Press, 1965. \$6.50.

Austin Ranney's study of candidate selection in Britain will be most helpful in demolishing some myths about British politics, current not only in the United States but also in Britain. Ranney quotes a Conservative leader on the inability of the Conservative Candidates' Department to convince certain sections of the press that it is Constituency Associations rather than the Central Office which make the final choice of candidates. His study suffers from the same problem, for in a prepublication comment on his unexceptionable conclusion that central party authorities have much less real power in the selecting of candidates than is generally supposed, the political writer Nora Beloff wrote in *The Observer* of August 16, 1964, that "perhaps if the professor had been tapping telephone wires linking central office, regional agents, and the constituency headquarters, he might have been less ready to dismiss the central office influence as 'almost nil.'" Leaving aside the implications of this marvelous statement, it suggests the stubbornness with which Britons who should know better hang on to traditional beliefs in the face of empirical evidence and careful analysis by an experienced scholar.

Despite the excellence of this volume, it may create some misleading impressions. Professor Ranney overemphasizes the effectiveness of Labour Regional Organizers (RO) in keeping antileadership nominees off short lists. Constituency Labour party leaders would be quite as resentful of such activity by a RO as they would be of systematic attempts by the Transport House to discriminate against the Labour left. It is also possible that Ranney underemphasizes the role of the party agent in candidate selection. Since party agents are personally involved in the failure or success of the candidate, it may be that the same situation prevails locally as nationally; namely, that the full-time party professional is frequently able to influence the selection process simply by reducing the options of those who formally make the

choice in order to obtain the type of candidate, if not the specific person preferred by the agent.

Professor Ranney might have gone somewhat further in discussing the locus of the power to maintain party cohesion. He writes that "national leaders do not need to control local candidate selection in order to maintain party cohesion in Parliament: the local activists do the job for them." One is inclined to say that it is the voters who, by refusing to support independents, induce both constituency organizations and Members of Parliament (MP) to follow the national party leaders, particularly the leaders of the parliamentary parties. These organizations actually make party policy, and it is against this policy that the loyalty of the individual MP is measured. With the exception of a handful of right-wing deviationists in the Conservative party and an equally small number on the Labour left, it is the relationship between the parliamentary parties and the British electorate which is the basis of party cohesion; local activists are merely the instrumentality through whom this relationship operates.

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F. RIDLEY and J. BLONDEL. *Public Administration in France*. Pp. xvi, 336. New York: Barnes & Noble, 1965. \$6.50.

In countries like our own which are increasingly concerned about the social and economic development of other societies and—I hope—increasingly aware of the importance of public administration in such development, the study of French administrative institutions and practices has a particular importance. The evolution of public administration within the boundaries of France has been both singular and significant. Beyond those boundaries it has had tremendous influence: upon the many former colonies of the French empire, now new and developing nations; upon most of the other nations in Europe, either through imposition or imitation;

and, thus, indirectly upon that large proportion of the rest of the world which was once part of some European colonial empire, other than British.

This recent work on *Public Administration in France* by two British political scientists is, therefore, a particularly useful contribution to students, participants, and observers of comparative administration. It is a thorough, up-to-date, and unusually comprehensive description of the French administrative system. Its first part contains chapters on the general framework of administration: the president and the government, the civil service, the ministries, and the local government. The second consists of treatments of the major activities of government, including the judicial system, the police, finances, economic planning, public works and related fields of technical services, public enterprises, education, and welfare. Each chapter contains brief sketches of ancient and recent history explaining "how things got this way," and discussions of current trends, efforts, and issues. Each also contains an abundance of facts about organization, structure, and procedure with particular reference to recent developments. Thus, while logically organized and written with directness and fluency, it is not exciting or even very easy reading. Some sections more nearly resemble a manual of—formal—organization than a critique of French administration, and these may prove most useful as a reference handbook. Though this work is by no means a study of constitutional and administrative law like so many of the treatments of administration in France and other Continental countries, its basic approach has a heavily legal and institutional flavor. There is rather little emphasis upon social and ecological forces of past and present and their impact upon administration or upon the behavior of French administrators—how they respond to problems, how they reach decisions, how they relate to each other, their superiors, their subordinates, their clienteles, their government, the president, and the Parliament.

Writers about French public administration have demonstrated wide diversity in their appraisal of its merits and demerits.

Some have been intensely critical of its alleged dominance over democratic political processes, of the elite and unrepresentative character of its upper civil service, particularly the *grands corps*, of its legalism, of its centralization of power in the national government, of its alleged conservatism, of its separation, and of its lack of responsiveness to the lower and lower-middle classes of the nation. Others have lauded the high quality of the civil service, the stability, the continuity, and the rationality of both the system and the public servants, and the defense of equal justice to private citizens through its system of administrative courts and particularly the *Conseil d'Etat*. The authors of this volume discuss, though somewhat too briefly, these and other issues, and their general evaluation is favorable to the French system; however, they note approvingly the recent efforts—or gestures?—toward democratization of the civil service, regional organization for economic planning and development, and deconcentration of administrative decision. The American reader will find the treatment interesting particularly because the base of comparison is the British administrative system; in a few respects, the French system more nearly resembles our own than it does the British.

In a most interesting chapter of their book, the first, the authors discuss the impact of the 1958 constitution and President De Gaulle upon the presidential-governmental system of France. They find rather little change in theory and attribute to the "highly personal style given to the presidency by General De Gaulle" (p. 2) the rather dramatic changes that have occurred in practice. "But it seems unlikely that the fundamental structure of the executive has been permanently changed" (p. 1). Future historians may evaluate this judgment more confidently than we can today, and they may also judge the importance and permanence of changes recently and currently underway in the administrative system. It would appear that most of them are adaptations to changing social needs as well as to changing political climate and leadership. The beams and

girders of French administration, originally erected more than a century and a half ago, remain singularly durable.

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PETER CHRISTIAN LUDZ (Ed.). *Studien und Materialien zur Soziologie der DDR*. Pp. 540. Cologne: Westdeutscher Verlag, 1964. DM 29.50.

This substantial volume brings together a series of scholarly papers on certain aspects of the social structure and of the state of sociology in what styles itself the "German Democratic Republic"—to West Germans the Eastern Zone. Favored by his vantage point at the Institute for Political Science of the Free University of Berlin, the Editor has managed to assemble a large body of information not previously made available as a convenient package. Indeed, the book does more than its title suggests. Although fully accredited by his previous studies of the area, Ludz succeeds in casting new light on the labored ways of totalitarian self-accommodation.

He begins with a much-needed attempt at a theoretical frame of reference, which significantly loosens the familiar categorization of totalitarianism. What emerges is a "system" in painful search of itself, rocked and pummeled by internal forces essentially at variance with its tenets. Because its distinctive character in comparison with "free societies" lies precisely in its unrelenting formative efforts, the evidence of strain is everywhere. The strain is bound to be greater than that required for easing mere "development."

Different sections by other contributors deal with current tendencies in the Zone: profession and family, industry and enterprise, education and research, and history and ideology. Then the Editor turns to the evolution of sociology as a field of teaching and investigation, followed by a systematically arranged bibliography running to more than 1,500 items. The sweep of materials presented in the footnotes alone would make the book a welcome source.

Survival of the regime depends primarily on the grip it secures on the people. The intended penetration of the production process becomes clear when a leading zonal functionary declares: "Correctly unfolded democratic trade unionism means practically to form out of the mass of trade union members the leadership groups which the Socialist state needs for itself as well as in the economic and cultural sectors. It is our avowed goal to win more citizens, above all from the laboring class, for a general social activity. That is the very purpose of the appeal to assume a share in planning, in work, and in government" (p. 123). But to appeal does not yet mean to sway. Even though the educational system is officially regarded as the key to a reshaping of public attitudes, acceptance of new ways proved far from automatic. The campaign to take over from the Soviet Union the "polytechnical" type of school program ran up against "lively" opposition, as zonal leaders had to admit (p. 198). In particular, in the universities co-operation has been lagging. Up to now "the student needs to identify himself with the policies of the governing party to a considerably less degree than if he joined the administrative system or the state-managed economy" (p. 230).

Similarly the steps designed to encourage a more active role for women, occupationally and politically, have fallen short of expectations. There is room for the question, of course, whether here one encounters comparable obstacles under other political auspices, too, as a "typical problem" inherent in modern industrial society. This kind of question (p. 163) is not always raised. Thus, one contributor, having traced the increasing emphasis which cybernetics is finding both in the Soviet Union and the Zone, concludes that in these countries free time thus gained will never turn into genuine leisure "because the performance system is equated with the social order" (p. 439).

As for sociology, Ludz insists that in the Eastern Zone "one can as yet hardly speak of it in the familiar Western sense of the word. Rather, it seems that the party leadership strives to attain primarily a

stricter control of science and society with the help of this new discipline" (p. 396).

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ASIA AND AFRICA

JUSTUS M. VAN DER KROEF. *The Communist Party of Indonesia: Its History, Program and Tactics*. Pp v, 347. Vancouver: Publications Centre, University of British Columbia, 1965. \$7.50.

The PKI, Indonesian Communist Party, founded in 1920, is the oldest Communist party in Asia; it is also by far the largest nongoverning Communist party in the world. And yet the first relatively full account of the development of the PKI did not appear until reporter Arnold Brackman's *Indonesian Communism* (1963). Since then, there have been Ruth McVey's *The Rise of Indonesian Communism* (1965), which covers the period from 1920 to 1927, the reviewer's *The Communist Party of Indonesia, 1951-1963* (1964), and Van der Kroef's present volume.

Van der Kroef is noted for his voluminous and hasty compilations from English, Dutch, and Indonesian sources on a wide array of aspects of Indonesian society. *The Communist Party of Indonesia* is a distinct disappointment. It offers neither new material on the more obscure parts of PKI history—such as the 1926-1927 rebellion, the underground period from 1927 to 1945, the 1948 abortive rebellion at Madiun, and the seizure of control of the party in January 1951 by D. N. Aidit and his youthful colleagues—nor anything particularly original of interpretation. A chapter on the theoretical foundations of the Aidit leadership's strategic and tactical stance does introduce material not available elsewhere in book form, but it is an expanded version of earlier articles that does not take into account recently schol-

arly analyses of the PKI's role in the international Communist movement.

The book has two fundamental defects: the limited nature of the author's sources, and his lack of political perceptivity. This is a book based on armchair research in the United States, with resultant and very apparent deficiencies. The author, most obviously for the period of rapid growth of the PKI since 1951, has had to rely on only a fraction of the material published by the PKI and its mass organizations. Further, he has been unable to weigh the limited published evidence available to him against personal interviews and observations carried out within Indonesia. Perhaps due to his paucity of sources, Van der Kroef's treatment of the PKI's mass organizations, with a claimed membership of almost 15 million, is perfunctory—and yet it is a study of the work of these organizations that provides a vital key to understanding Indonesian society in general and the degree of politicization of the various socioeconomic groupings.

The lengthy discussion of the post-1959 era of Guided Democracy is severely marred by the author's failure to pose the most important political question: What is power in a nonparliamentary situation? Prior to 1957 the PKI leaders, excluded from the armed forces and bureaucracy, worked tirelessly to build mass support, and thereby electoral strength, with which they expected to gain, in the multiparty and fractured system, a share in coalition government as the preparatory stage for an eventual Czechoslovak-type seizure of power. But once parliamentary democracy was swept aside by Sukarno and the army, the real, independent power of the PKI could be judged only in terms of the nature of the loyalty of its supporters—was it to the party alone, primarily to Sukarno, still to the village community, or what?—of the degree of politicization of the different segments of its support—which part was truly militant and which part was still basically deferential and passive?—and of the nature of the forces opposed to a PKI take-over. Even if Van der Koeif had attempted to assess the structure of real power in Indonesia since 1957–1959, the limited information avail-

able to him would have made his assessment at best of highly questionable value.

This is, then, a highly superfluous addition to the still-limited literature on Indonesian political development.

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CYRIL S. BELSHAW. *Under the Ivi Tree: Society and Economic Growth in Rural Fiji*. Pp. xii, 336. Berkeley and Los Angeles: University of California Press, 1965 \$6.00.

The author in this book has set himself to examine the relations between economic growth and social organization within an indigenous population of the South Pacific. The Fijians appear to others in Fiji to fit very well the Western stereotype of a languid, cheerful, and improvident South Sea island people. The author, however, is able to show them as members of a part society set within a larger social system in which the Fijians, individually and as a people, are struggling hard to advance themselves. The author superbly describes the interracial and interpersonal strains and accommodations these efforts have led to among the Fijians.

Belshaw first explores the myth of the happy, carefree Fijians, wrapped within contented, warmly solidary communities. He describes the outward face of Fijian society that lends substance to the myth and concludes that it has some validity for the Fijians themselves, being that vision of their own society they are most pleased to present to outsiders. In succeeding chapters, though, he is able to argue that individually they have as full cups of personal pain as any people anywhere, in fact rather more than what most Westerners must bear. The laughter, he says, is designed to stifle tears.

Most of the work is given to the analysis of Fijian economic endeavor as related to local patterns of social organization. As a social anthropologist who has spent much of his professional career in the study of economic change among indigenous Pacific peoples, the author brings a very sharp eye for social patterning and a strong feel for the importance of detailed

case material to his analysis of economic action among Fijians. At the same time, his control of the relevant economic factors and his attention to quantitative detail combine with his anthropological training to yield a magnificent record of economic change in what may loosely be called a "peasant society."

A major aim of the author in this work is to bring the realities of Fijian economic behavior to the attention of responsible administrators there. It is his contention that a good deal of misplaced guidance and nearsighted cautiousness on the part of European administrators have seriously hampered the efforts of the Fijians to better themselves. Consequently, the work is of special interest to political scientists concerned with the problems of local government and directed change. The author gives detailed attention to the local administration's role in Fijian economic growth. He deals with both the European and Fijian administrators and carefully distinguishes what the Europeans deem as the traditional state of Fijian local government. He argues that this is a nontraditional authoritarian outgrowth of the European supported Fijian bureaucracy, from what he sees as a genuinely traditional organization for local community action comprising much more voluntaristic modes of large-scale co-operation. He also argues for wider, though carefully controlled, use of the latter kinds of organization and shows through convincing case material ways in which they have been more successfully used by the Fijians for developing modern enterprises than administration-supported efforts of Western organizational modes.

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LEILA M. T. MEO. *Lebanon: Improbable Nation*. Pp. x, 246. Bloomington: Indiana University Press, 1965. \$6 50

The "improbable nation" is the Republic of Lebanon because of its confessionally fragmented population. This small country has more religious sects, Christian and Moslem, than any other nation.

The 1958 domestic revolt, which Dr.

Meo sets out to analyze, was not, however, mainly a confessional strife, although most of the Christians backed the government. The main cause of this minor-key uprising was the policy of President Camille Chamoun. The opposition objected to his devious politics, especially in manipulating the elections, and to his presumed design to extend his term of office in violation of the Constitution.

Beset by domestic turmoil and fearing hostile action on President Nasser's part, Chamoun appealed for help to the United States—in his devious ways—which the year before enunciated the "Eisenhower Doctrine"—House Joint Resolution 117—authorizing the President to extend armed force and other aid to countries "in the general area of the Middle East," requesting it against armed aggression from any country controlled by "international communism." President Chamoun charged Nasser with abetting "armed infiltration" from the adjacent northern wing of the United Arab Republic—Syria. A United Nations Observation Group failed to support Chamoun's contention. But the United States' Secretary of State, John Foster Dulles, did agree with it, on the assumption, as the author puts it, "that nationalism and neutralism were dangerously susceptible to communism, and that in the present state of 'power vacuum,' the United States must come forward to keep the Middle East open to the West, to save the Arabs from the claws of communism."

Following up this assumption, the United States dispatched armed forces to help Chamoun. The marines stormed ashore in the summer of 1958, to the great surprise of the bikini-clad young ladies, sunning themselves on the beaches of Lebanon.

Eventually, the Lebanese antagonists patched up their differences; Chamoun retired from the presidency, turned to memoir writing, and was replaced by a sensible army general, Fuad Chehab. Subsequently, several important ex-rebels—presumed "Communists" to Dulles—joined the government, which reverted to the country's politically neutral and culturally pro-West policies. The major casualty of the marine landing was the

Eisenhower Doctrine, now unanimously rejected by all the Arab countries.

The author's original intention was merely to untangle the strains of the 1958 "revolutionette." In attempting to do that she came to the conclusion that the complications of Lebanese life could be best observed in the light of the past, when the Ottoman administration was watched by the Western powers, eying one another suspiciously and trying to be the first at the death-bed of the imperial "sick man." Against this background, postwar independent Lebanon decided upon doling out political influence on the basis of confessionality—the President always a Maronite Christian, the Premier a Sunni Moslem, and so on down the line.

Writing about an unusual little country with the highest per capita income and literacy rate in the Arab world—except for the wealth of the oil-billionaire nations—the author has managed to keep apart the many strands of a knotted history. Also, she has succeeded in combining distinguished writing with informative history.

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WILLIAM R. POLK. *The United States and the Arab World*. Pp. xiv, 320. Cambridge, Mass.: Harvard University Press, 1965. \$5.95.

The guiding question for Professor Polk in this recent addition to Harvard's excellent American Foreign Policy Library series is, "What are the essential facts, ideas, emotions and guesses one needs to understand relations between the U.S. and the Arab world?" The result is an authoritative and lucid interpretive history of the Arabs in six parts that proceeds logically from an introductory essay on the environmental and sociological underpinnings of Arab society—nomad, peasant, and townsman—on down to a brief consideration of contemporary United States involvements and interests in the Middle East.

The author's concern to deal with Arab history in terms of its present-day effects leads him in Part II to a distilled account of four major legacies: the Arab social code, the Islamic religion, memories of the Arab golden age, and the unbridged division between society and state. Part III traces the transition of traditional Arab society under influences from the West into the modern period and brings the story up through the First World War. With economy and balance Part IV takes up the political development of the several Arab states since that time: Iraq, Syria, Lebanon, and Transjordan as unwilling candidates of Britain and France; Arabia in proud medieval isolation; Egypt, the most advanced of them all, humiliated and increasingly restive under British control; and Palestine whose brief and violent history as a ward of the British was abruptly snuffed out in 1948. The underlying theme through these chapters is the rising tide of nationalism, violence, and the ultimately successful demand for independence.

In Part V, the author takes up the social transformation engendered during the same period: the appearance of "the new men" trained for and committed to the modern world, the spread of education, the rapid expansion of cities and populations, and the accelerating concern for economic growth, national unity and power, and international prestige.

The last section, rather less well wrought than the rest of the book and bearing evidences of haste, is a selective review of events during the past decade and a half during which for the first time the United States became a participant in Arab politics. The author proceeds to draw the lessons of that turbulent experience and to propose some sensible guidelines for future policy.

A "new man" himself in the sense that he plays with equal ease, at home or abroad, the role of scholar, businessman, or government official, Dr. Polk (B.A., Ph.D. Harvard, and M.A. Oxon) has been involved with the Arab world for nearly twenty years with extended periods of residence and travel in the area. His previous books include *The Opening of South Lebanon* and *Backdrop to Tragedy: The*

Struggle for Palestine. After serving as Assistant Professor of Near Eastern Languages and History at Harvard, he joined the Policy Planning Council of the Department of State in 1961. He resigned earlier this year to become Professor of Middle Eastern History at the University of Chicago.

RICHARD H. NOLTE

Executive Director
Institute of Current World Affairs
New York City

I. M. LEWIS. *The Modern History of Somaliland: From Nation to State.* Pp. xi, 234. London: Weidenfeld & Nicolson, 1965. 36s.

Nature and history have dealt roughly with Somalia. In economic resources it ranks at the bottom of African countries as there is no apparent trace of valuable minerals beneath its arid land, and agriculture is limited to a small area; thus, most Somalis are pastoral nomads. The Somali people, divided among French, Italian, and Ethiopian rule, suffered all the disadvantages of colonialism and received few of the benefits. The new Republic of Somalia now finds itself fighting for the old Wilsonian principle of national (ethnic) self-determination in an Africa that, for reasons valid elsewhere, strenuously opposes the idea that boundaries should be drawn to permit homogeneous ethnic units to rule themselves. The book's subtitle tells the story: here is a nation, perhaps the only real one in Africa, that is struggling to become a state.

This superb summary of Somalia's modern history by the foremost Western authority on Somali society should be the starting point for anyone wanting to unravel the tangled strands of Somalia's political and social life. An anthropologist by training, I. M. Lewis can expertly explain the basic rules and importance of the clan relationships that underlie all Somali personal associations, and he makes clear to the reader the economic and social basis for historical events. Lewis' evident respect for the Somali people imparts a welcome human element to his generally clear prose, without a notable biasing of his judgments. Particularly fine are his assess-

ments of the Dervish movement of Sayyid Muhammad 'Abdille Hassan which prefigured contemporary nationalism and his balanced treatment of the role of clan loyalties in the modern political system.

Although Lewis does not draw the comparisons, the reader is struck by the similarities between the growth of nationalist movements in Somalia and elsewhere in Africa. Men from the same urban occupational groups formed similar voluntary associations which developed into political movements by much the same steps as in other parts of East and West Africa. The Dervish movement has clear parallels with the Islamic resistance movements in West Africa and with the neo-Christian movement of Kimbangu in the Congo. But all that happens in Somalia is colored by the strong traditions of the Somali people, and events must first be understood within those traditions before solid comparisons can be made.

This reader would like to raise a few minor quibbles. Lewis seems a bit too waspish in his comments on the Italian role after World War II—the distribution of “largesse” by politicians to their followers is, after all, as much a part of the British as the Italian colonial heritage. More bothersome is the paucity of maps which needlessly compounds the reader's difficulty in following a complex narrative.

WILLIAM J. FOLTZ

Assistant Professor of Political Science
Yale University

CRAWFORD YOUNG. *Politics in the Congo: Decolonization and Independence.* Pp. xii, 659. Princeton, N.J.: Princeton University Press, 1965. \$12.50

ERNEST W. LEFEVER. *Crisis in the Congo: A United Nations Force in Action.* Pp. xii, 215. Washington, D.C.: Brookings Institution, 1965. \$3.50.

The politics of the Congo has been a synonym for chaos and a focal point of world-wide interest since 1959 when Belgian rule began its rapid disintegration. Much writing on the Congo has accordingly been done in the last six years, and a considerable part of it by American scholars has reflected superficial understanding and hasty effort. Two recent

books testify to the emergence of a welcome watershed. They reflect great patience and thoroughness of investigation.

Professor Young's search for explanations of postindependence politics in the Congo carried him back deeply into the political and economic background of Belgian colonialism and as extensively as available materials permitted into the nature of the Congo's indigenous societies and into the psychological make-up of its varied populations. He analyzes the psychological changes in the Africans which produced the rapid deterioration in 1959 of Belgium's "patient empiricism" in colonial rule; and, in analyzing the ensuing chaos, he employs the resources of anthropology, sociology, and psychology to effect a skillful symbiosis. He deals not with symptoms, as have so many books on the Congo, but with root causes; Congo politics emerges with a content of reality; and this is all done with such conciseness and clarity that his work will appeal not only to scholars but to readers of general interest.

The United Nations' (UN) intervention in the Congo presents a more limited subject, of course, and exposes a study to at least one critic's charge of superficiality. Taking the subject as it is, I do not find this accusation to be justified. True enough, Lefever limits himself to the political, military, legal, and financial aspects of the UN operation and treats the political aspects in conventional terms. He, thus, excludes an analysis of Congo conditions which produced some of the UN's more serious problems, but the exclusion is legitimate. We, thus, have a study of the UN operation per se, and its merit is that it lays bare, for the first time in objective, thoroughly researched manner, the UN's own difficulties in carrying out its difficult mission. We have badly needed just such an analysis, correcting the distortions of earlier studies and memoirs, such as King Gordon's *The UN in the Congo* and Conor Cruise O'Brien's *To Katanga and Back*. This we now have. The clarity of the study is enhanced by the addition of a summary of each chapter's findings. Here, again, as in the case of Crawford Young's work, the general reader as well as the

student is fortunate in having at last a painstaking guide through a wealth of confusing material.

R. SMITH SIMPSON

Foreign Service Officer Retired
Annandale
Virginia

JAMES S. COLEMAN (Ed). *Education and Political Development*. Pp. xii, 620. Princeton, N.J.: Princeton University Press, 1965. \$10.00.

The present volume, devoted to education, is one of a number of studies sponsored by the Committee of Comparative Politics of the Social Science Research Council. The series is concerned with various aspects of political development in countries undergoing, or which have in recent years undergone, radical social-economic change.

There are four parts. The first deals with cases of educational underdevelopment in Asia, Africa, and South America. This is followed by examples of "polity-directed" educational developments in Soviet Russia, Japan, and the Philippines. The third part discusses a special problem, namely the development of political leadership and the training of government officials in various fields—"the education of modern elites," as the study terms it. The last section makes a summary and offers suggestions with reference to educational planning for integrated social and political progress. Full-length introductions of analysis and evaluation—to the book as a whole and to each of the four parts—are contributed by the Editor who is Professor of Political Science and Director of the African Studies Center, University of California, Los Angeles.

The purpose of this research project differs from the usual studies in comparative education. It is concerned, not only with a descriptive account of the problems in each country but also with the formulation of general principles for a balanced relationship between education at the various levels and other social, including economic, factors in national development. Moreover, the study of such relationships in the non-Western situations, it is be-



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lieved, will offer "fresh perspectives on the tangled web of interrelations in Western history." Three aspects of the political process are selected for analysis as having important implications for education: "political socialization"—the part that the school plays in identifying the individual with the existing political system; "political recruitment"—training for leadership and expertise; and "political integration"—the problem of national unification, particularly reducing the gap between the elites and the masses of the people and overcoming religious, ethnic, and locality divisiveness.

The diversity of the situations explored and the comprehensiveness of the discussion make this study a significant addition to the literature of comparative education. Its critical evaluations are calculated to disabuse of conventional notions about the part that the expansion of education, unrelated to other endeavors, can play in the making of modern nations. However, the self-conscious effort to fit the analysis into the categories of social science tends to give the inquiry the character of a sociological investigation rather than a study in the field of politics. The dynamic forces at work and the revolutionary nature of the changes taking place in the non-Western world are not brought into the focus of consideration. The American social science approach may not be, as sometimes charged, a subtle adjunct of cultural imperialism. But the attempt "to formulate a neutral, non-culture-bound concept of political development" leaves the impression of an academic perspective, of observers looking in from the outside.

I. B. BERKSON

Emeritus Professor of Education
City College of New York

FOSTER RHEA DULLES. *Yankees and Samurai: America's Role in the Emergence of Modern Japan, 1791-1900*. New York: Harper and Row, 1965. \$6.50.

A wider acquaintance in America of the foundations of our relations with Japan, a nation which has become a reliable ally, is of timely importance. This is the story

of *Yankees and Samurai*, which has been ably told by Foster Rhea Dulles. The book contains thirty-seven illustrations, chiefly portraits of persons prominent in early American-Japanese relations and scenes in Japan. There is also a comprehensive bibliography, and each chapter is documented with references.

The story begins with the first unsuccessful attempts, late in the eighteenth century, to break through Japan's national seclusion and ends with Japan's victorious war in China, when, after nearly three decades of cultural tutelage to the West and generally harmonious relations with the United States, Japan gradually shook off that tutelage. A chapter each is devoted to the accomplishments of Commodore Matthew Perry and Townsend Harris. Not so well known to Americans today are the careers in Japan of our private American citizens who were prominent, especially from the beginning of the 1870's on, in promoting friendship between our two nations. Of their work an interesting account is given. These men were chiefly missionaries and lay teachers in Japanese institutions of learning, such as Dr. Hepburn, who established a dispensary and medical school and also compiled an English-Japanese dictionary; Griffis, who authored *Mikado's Kingdom*; William Clark, who helped establish a university in Hokkaido; Fenollosa, who did much to reawaken among Japanese an interest in their own art, on which they had turned their backs, and who led also in introducing Japanese art to America; and Lafcadio Hearn, who communicated his interpretations of Japan to the West in beautiful prose. Dulles likewise pays tribute to Henry Denison, who for many years was an influential adviser to the Japanese Foreign Office.

The author points out that Japanese students who returned to Japan from schooling in America beginning with the 1870's and who soon occupied positions of leadership, such as Kaneko and Nitobe, also contributed much to promote friendship with the United States. He also notes that although we took the first initiative and, as might be expected, exercised more influence on Japanese life than the Japa-

nese did on American institutions, the cultural flow was not entirely in one direction.

In conclusion, Dulles affirms that the bonds established in the latter half of the nineteenth century have helped to point the way, after a tragic interlude of war, to a revival of the two nations' historic friendship.

JOSEPH W. BALLANTINE

New York City

ALASTAIR BUCHAN (Ed.). *China and the Peace of Asia*. Pp. 253. New York: Frederick A. Praeger, 1965. \$6.00.

The analyst of international security problems who estimated in 1949 that the emergence of the People's Republic of China marked a basic change in the pattern of Far Eastern politics could hardly take credit for exceptional acumen. The more unpredictable problem at that time was the potential response of non-Chinese nations, both in Asia and elsewhere, to the challenge posed by the mobilization for the first time in modern history of Chinese power under Communist direction and control. Since no twentieth-century foreign office has ever before confronted a unified and highly motivated Chinese nation, it is not surprising that the outside world has had great difficulty in establishing a clear baseline from which to measure the amalgam of vulnerabilities and strengths which is Communist China in the mid-1960's.

China and the Peace of Asia is the published product of an international conference of the Institute of Strategic Studies held at Oxford in September 1964 to "discuss the problems of China and her neighbors." Over two decades after the Imperial Japanese Army shattered the image of white European superiority at Hong Kong and Singapore in the winter of 1941-1942, it is symbolically significant that the book's editor, Mr. Alastair Buchan, still places three Western spokesmen at the top of his analytic batting order. Mr. William Bundy, arguing the United States government brief, labels Peking's designs as basically militant and aggressive; M. Jean Chauvel states the

rationale underlying the French case for coexistence in Southeast Asia and reminds us that China has national security interests of her own; and Sir Robert Scott sketches the complex origins of Asian conflicts, states his preference for neutrality and for negotiations, but sees no prospect of a stable political settlement with China for a long time to come. The big three are followed by eleven other papers which deal with Chinese power and policy; with specific areas of conflict—India, Indo-China, and Indonesia—and the general problems of subversion and insurgency; and with the problems of nuclear deterrence, Australian and Japanese security interests, and practical techniques of international peacekeeping in Asia. Since the contributors to the symposium represent several nationalities and a variety of official, semiofficial, and research backgrounds, their papers constitute rather a mixed bag in which platitudes often outweigh critical detachment.

The theme which lends some thread of unity to the papers—that the *status quo* nations regard Communist China's long-term drive to become a major nuclear power as the crux of Asia's security dilemmas—can scarcely be rated a piercing insight. Few of the papers make a serious effort to understand Peking's challenge in the light of Chinese temperament or tradition or to probe the sources of Chinese Communist conduct. From the military standpoint, the Communist leaders at Peking see their nation virtually encircled by Soviet power on the long northern frontier and by the chain of United States positions from South Korea and Japan to Thailand. Given this situation, they not unnaturally view the elimination of United States and Soviet power in Asia and the creation of a more flexible position for China as paramount objectives of international policy. Mr. Morton Halperin offers a cool assessment of the strategic framework of Chinese policy planning; and General Samuel B. Griffith estimates Communist China's military potential for achieving its objectives.

This book gives evidence of hasty editing. Its selected bibliography might well have omitted Edgar O'Ballance's *The Red Army*

of China and might well have added C. P. Fitzgerald's Chatham House essay, *The Chinese View of Their Place in the World* (1964). A later publication dealing with a specific facet of the Asian security problem is the report prepared at Harvard University for the United States Arms Control and Disarmament Agency: Morton H. Halperin and Dwight H. Perkins, *Communist China and Arms Control* (1965).

HOWARD L. BOORMAN

Research Project on Men and
Politics in Modern China
Columbia University

RONALD M. BERNDT and CATHERINE H. BERNDT. *The World of the First Australians: An Introduction to the Traditional Life of the Australian Aborigines*. Pp. xxii, 509. Chicago: University of Chicago Press, 1964. \$10.95.

In 1952 the Berndts published a small introduction to the Australian aborigines entitled *The First Australians*. It was intended primarily for the layman. Revised and expanded into the present large volume, it is now an excellent introduction for the serious student and a textbook and a guide to the literature. Robert L. Kirk has prepared an appendix, "The Genetic Picture," presenting an up-to-date summary of the serological aspects of the physical anthropology of the aborigines.

Starting with "The Aborigines in Time and Space," the chapters proceed to "Social Organization and Structure"—two chapters—"The Basis of Economic Life," "The Life Cycle"—two chapters—"Religious Belief and Practice"—two chapters—"Magic and Sorcery," "Law and Order," "Art and Aesthetic Expression"—two chapters—"Death and the Afterlife," and conclude with "The Aborigines Today." The book parallels in many ways the subject matter of A. P. Elkin's *The Australian Aborigines*, now available in paperback (Garden City, N.Y.: Doubleday, 1954). Elkin's remains the more readable work and continues to be the best introduction for the layman. The Berndts have provided what is essentially a textbook, better organized for use as such.

Emphasis is on subjects of concern

to sociologically oriented anthropologists. Technology and ecology are not treated, for example, and the beginner must go to F. D. McCarthy's lavishly illustrated *Australia's Aborigines: Their Life and Culture* (Melbourne: Colorgravure Publications, 1957) for an account of food-gathering activities and material culture. Interpretation is mainly that of contemporary social anthropology, in the tradition of Durkheim and Radcliffe-Brown. Thus, "art style offers one sort of key to the broad patterning of social relations and their cultural content" (p. 385).

For anthropologists as well as for laymen, Australian aboriginal social organization has always been a difficult subject. The Berndts' two chapters on it leave this reviewer as unenlightened as he was before. The aborigines have no trouble with it, which suggests that anthropologists have been trying to fit it into conceptual clothing of the wrong cut. Clearly, a radically new approach is needed.

WARD H. GOODENOUGH

Professor of Anthropology
University of Pennsylvania

AMERICAN GOVERNMENT AND HISTORY

EDWARD BANFIELD. *Big City Politics: A Comparative Guide to the Political Systems of Atlanta, Boston, Detroit, El Paso, Los Angeles, Miami, Philadelphia, St. Louis, Seattle*. Pp. vi, 149. New York: Random House, 1965. \$1.95.

In 1912 James Bryce, in a rather despairing speech at the National Conference on Housing, undertook to explain why "a great city is a great evil." His indictment included seven counts (1) A great city is a menace from the point of view of health (2) A great city cuts people off from nature and communication with nature. (3) A great city stratifies people along economic lines. (4) A great city unduly increases nervous strain and nervous excitement (5) A great city is unfavorable to the best development and education of youth. (6) A great city is the cause of

great and deplorable economic waste. (7) A great city is a cesspool of political depravity

The problems of urban blight and urban sprawl, as described in the interesting little volume edited by Edward Banfield, lend substantiation to all but one of Lord Bryce's charges. The one conspicuous exception is the matter of political depravity. On this score the nine major cities surveyed by the Joint Center for Urban Studies are given a fairly clean bill of health. Not one of them is depicted as a focal center for the kind of bribery, boodles, and bossism that Lincoln Steffens described in *The Shame of the Cities* back in 1904. Instead, it is explicitly stated that "if Lincoln Steffens were alive today, he could not possibly write a book like *The Shame of the Cities* about them or for that matter any other large American cities. Such corruption as there is today extends, so to say, from the bottom up and not, as in Steffens' day, from the top down. Today there is no big city notorious for its bad government."

Here is a paradox to occasion wonder. One gathers from the reading of this book that the present crisis in city government, perhaps the most dangerous in American municipal history, has arisen despite and not for the lack of good city government. That such great progress in political purification should have been made in the face of the worsening of so many other aspects of urban hypertrophy is a fact deserving more extensive treatment than it has received in this book. Much credit for this result is given to nonpartisan and civil service reform in big city governments. In so far as these were the outcome of the great reform crusades of fifty and sixty years ago, credit too should be given to Lincoln Steffens and his fellow "muck-rakers."

For each of the nine cities surveyed, the Banfield book presents a meaty report on such topics as population, the economy, organization of the government, the school system, the county government, elections; interest groups, labor, the press, racial groups, how issues are handled, and how things really work. This treatment of the same subject matter city by city facilitates

comparative studies and adds much to the utility of the book as a work of reference.

CHESTER C. MAXEY

President Emeritus
Whitman College
Walla Walla
Washington

RICHARD D. LUNT. *The High Ministry of Government: The Political Career of Frank Murphy*. Pp. 263. Detroit: Wayne State University Press, 1965. \$8.50.

Frank Murphy was on the way to becoming one of our forgotten men, for, until this book appeared, he had received almost no attention since his death in 1949. He was, however, a man with an appealing personality, some unusual talents, high ideals, genuine interest in the art of government, and experience in a wide variety of offices. This book is, therefore, a timely contribution, which should revive Murphy's reputation as a political leader and statesman. It is not a full-fledged biography, but, as indicated by its subtitle, an account of his political career only, that is, his career as Mayor of Detroit, Governor General of the Philippines and the first High Commissioner to the new Philippine Commonwealth, Governor of Michigan, and Attorney General of the United States. The book stops abruptly with Murphy's appointment as Supreme Court Justice in 1940, on the theory, now increasingly challenged, that a judicial career cannot be in any sense political. Murphy himself was in fact somewhat disappointed with his appointment to the Supreme Court and very much preferred the Secretaryship of War, which President Roosevelt had virtually promised him; at various times Murphy offered to leave the Court for more active service to the President; and in other ways indicated his unhappiness with the political isolation of a Supreme Court Justice. His ten years on the Court were, nevertheless, years of further devoted, if not distinguished, public service, and it seems a pity that Mr. Lunt does not include this period in his book and, thus, give us a more complete story.

Murphy's "political career" essentially

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ARTHUR S. MILLER,
Special Editor

A discussion of the practices of corporate managers as they affect American society (September 1962)

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coincided with the period of the Depression and the New Deal, and Mr. Lunt has contributed much to a better understanding of the problems involved in their application to the city of Detroit and the state of Michigan. Frank Murphy, as Mayor and Governor, had to deal with unemployment and relief on a large scale, with the sit-down strikes—an entire chapter is devoted to these—with a badly divided Democratic party, and with Father Coughlin and his Union party, and somehow he managed all of these reasonably well. As Attorney General, Murphy struggled with the problem of subversion versus civil liberties, and, because he felt obliged to prosecute some subversives, found himself denounced as a betrayer of civil liberties in spite of his genuine devotion to that cause; it was he who first established a civil rights unit in the Department of Justice.

But Murphy's most successful public service and the one in which he took the greatest pleasure was his assignment to the Philippines. As the last Governor General and the first High Commissioner, he advanced the preparations for Philippine independence in the most careful and responsible manner, and he won the respect and devotion of the Filipino leaders and people. Political scientists will note with special interest that Ralston Hayden, our long-time colleague at Michigan and an expert on the Philippines, was at first shocked by Murphy's appointment as Governor General but, after working with him as Vice Governor, became one of his closest personal and political friends. Murphy left the Philippines reluctantly and only because Franklin Roosevelt insisted that he run for Governor of Michigan.

Mr. Lunt's account is based upon thorough research in manuscript materials and public documents, as well as in the ordinary secondary sources. His use of these manuscript collections is, however, a bit odd on occasion. For example, the citation for Murphy's election as Governor in 1936 is a letter from Hayden to J. Weldon Jones instead of election statistics or official reports; the citation for the Communist party's endorsement of Murphy in that campaign and his failure to repudiate that endorsement are a letter to Jim Farley in

the Roosevelt Hyde Park collection instead of any newspaper of the day; and other similar uses could be mentioned. It is, however, a good book, well written, and with only a few errors: Vice President Garner's name was John, not James (p. 196); and Governor Ferris was a Democrat, not a Progressive (p. 25). The principal title of the book seems rather flamboyant, although Murphy's idealistic approach to government and politics might justify it.

CLARENCE A. BERDAHL

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University of Illinois

REED M. SMITH. *State Government in Transition: Reforms of the Leader Administration, 1955-1959*. Pp. xiv, 309. Philadelphia: University of Pennsylvania Press, 1963. \$6.00.

Administrative reforms in Pennsylvania under Governor George M. Leader are the central theme of Dr. Smith's book. Indeed, most of its pages are devoted to description and analysis of problems and results of staffing for executive leadership and control. A wider range is introduced in a brief first chapter, "The Nature of the Governorship in Pennsylvania," and touched again in a different context (pp. 119-123) under the rubric of "Legislative Achievements."

This focus on the office of the governor rather than on substantive programs is more at variance with the subtitle than with the title, for the Leader administration was surely a transitional benchmark in state administration in the United States. Dr. Smith makes a practical, thoughtful, objective, but—in literary terms—uninspired contribution to the study of state government. He has utilized primary sources and has preserved a record of imaginative state administration that matched, in Pennsylvania, the administrative fervor, earlier by two decades, in the national government.

Governor Leader entered office in 1955 under a system with 50,000 patronage positions, far more than in any other state. When he left office, the merit system had been expanded from less than 14,000 posi-

tions to nearly 23,000, and patronage employees had been decreased by more than 4,000. Here was an important contribution, difficult in Pennsylvania. But it was in the realm of welcoming and assembling ideas that the governor's work was most notable.

An Office of Administration, headed first by James C. Charlesworth and later by John H. Ferguson as Secretary of Administration, was created by executive order in 1955 to afford central staff services for budgeting, management methods, accounts, personnel, and program evaluation. "By 1960, Pennsylvania had one of the largest governor's staffs in the union, consisting of more than one hundred persons, approximately eighty of whom were in the Office of Administration" (pp. 157-158). "One of the most novel aspects of Governor Leader's administrative reform was the Bureau of Program Evaluation" (p. 132) in that office. "Four persons were primarily responsible for putting the breath of life into the idea of a separate bureau for the function of program evaluation. These persons—all political scientists—were Dr. Stephen B. Sweeney, Dr. Harold F. Alderfer, Dr. William G. Willis, and Dr. James C. Charlesworth" (pp. 133-134). The actual work of this bureau was pragmatic rather than doctrinaire, and Dr. Smith is at his best (pp. 142-154) in appraising its rationale of policy formation as well as execution.

In contrast with Dr. Smith's concentration on the detail of administrative change, Charles T. Goodsell's newer *Administration of a Revolution: Executive Reform in Puerto Rico under Governor Tugwell, 1941-1946* (Cambridge, Mass.: Harvard University Press, 1965) is characterized by broad social setting and literary flair. Both approaches have value for the study of administration. Dr. Smith and the Fels Institute of Local and State Government at the University of Pennsylvania are to be thanked for this careful account of Pennsylvania administration in the Institute's useful series of government studies.

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LEE SILVERSTEIN. *Defense of the Poor in Criminal Cases in American State Courts*. Pp. viii, 280. Chicago: American Bar Foundation, 1965. \$7.00.

In the last decade the increasing concern over the problem of providing an adequate defense for poor persons charged with crime produced two major and significant national reports. The earlier report, "Equal Justice for the Accused," was published in 1959 by a Special Committee of the Association of the Bar of the City of New York and the National Legal Aid Association. It contains an analysis and evaluation of Defender Systems and is based on a limited and selected number of field studies and on the accumulated experiences of a group of lawyers intimately concerned with the counsel problem in criminal cases.

The subject of this review, *Defense of the Poor in Criminal Cases in American State Courts*, is a far more ambitious, comprehensive, and far-reaching study. It describes and compares thoroughly the various systems of providing counsel for the poor and adds new depth and breadth to our knowledge of the practices and problems affecting the administration of justice when an indigent defendant is financially unable to employ a lawyer. It is a systematic study of court dockets and counsel procedures in all fifty states and the District of Columbia. Participating in the project were sixty-four state reporters working under the able direction of Lee Silverstein of the American Bar Foundation. The reporters, armed with uniform and searching questionnaires, personally obtained the opinion of judges, prosecuting attorneys, and defense counsels as to the prevailing practices relating to the provisions for defense of the indigent. They also obtained suggestions and recommendations as to how these practices might be improved.

Defense of the Poor in Criminal Cases in American State Courts explores a number of problems common to all defense systems. These include the time when counsel is provided, the offer and waiver of counsel, methods to determine eligibility, counsel in misdemeanor cases, and counsel at sentencing, on appeal, and at the

postconviction stages of criminal proceedings. The author has skillfully reached into the many recesses of court practices and has demonstrated a keen awareness of the practical as well as the theoretical considerations inherent in the counsel problem.

Defense of the Poor in Criminal Cases in American State Courts is an informative, lucid, and readable book. It should prove invaluable to the legal profession, legislative bodies, and communities intent on improving their present system or establishing a new system for the defense of the poor in criminal cases. It should also appeal to the sociologist and members of other professional disciplines interested in the subject matter and in developing and improving methods of fact-finding and research.

The author suggests the need for further studies in certain aspects of the counsel problem as it relates to the indigent defendant not fully developed in this book. It is the reviewer's hope that such studies will be undertaken and thereby give further impetus to the drive of the legal profession to meet the enormous challenge of "Gideon" and other Supreme Court cases commanding the states to provide effective assistance of counsel to an indigent defendant for trial, on appeal, and in certain circumstances upon arrest.

HERMAN POLLOCK

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JOEL B. GROSSMAN. *Lawyers and Judges: The ABA and the Politics of Judicial Selection*. Pp. xii, 228. New York: John Wiley & Sons, 1965. \$6.75.

HERBERT JACOB. *Justice in America: Courts, Lawyers, and the Judicial Process*. Pp. viii, 215. Boston: Little, Brown, 1965. \$5.00.

It is a truism now—but a pleasant and gratifying one—to note the rapidly increasing list of excellent tomes on the judicial process. The dearth that was obtained but a decade ago has happily been relegated to ancient history. University of Wisconsin Professors Jacob and Grossman are to be congratulated for their particular contributions.

Jacob's *Justice in America* is a useful, meaningful, and convenient guide to the judicial process—one that veritably covers "the works." In his matter-of-fact, no-nonsense approach to the fascinating area he covers so well here, the author has created a primer that is both an exposition and a reference guide. In succinct, staccato-like, economical sentences—not this reviewer's favorite style of writing!—Professor Jacob indicates a commendable, indeed enviable, familiarity with both the significant and not so significant literature of the field.

His realism leads him to observations and conclusions that—although not as novel as he may seem to imply in the rather expansive claims of his foreword—are sensible and need to be stated and recognized. Thus, he views the courts as what in fact they are: political institutions, performing political functions, but operating under quite different sets of decision-making rules than the other two branches of government. Even students, of politics all too often still fail to realize the late Mr. Justice Jackson's so well-explained trinity (*The Supreme Court in the American System of Government*) that America's judicial bodies are institutions at once legal, governmental, and political. But among the several additional important truths Jacob urges on his readers is another one all too often ignored: that, no matter how widely courts may range in their policy-making functions and those of what he calls "norm-enforcing,"—not an entirely happy term—"without executive support, court orders are worthless scraps of paper" (pp. 195-196). If this may seem a bit strong in the eyes of some, it is nonetheless a cardinal fact of governmental life.

In pithy, but accurate fashion Professor Jacob's work reaches into just about every area of American justice—lawyers, the Bar, public attorneys, judges, juries, court organization, trials, negotiations and settlements, appellate proceedings, judicial activism and restraint, and others. It is a vast area and one hardly conquerable in two hundred or so pages; but the author has done the next best thing by providing faculties and students alike with a first-rate

survey and research guide that closes with an intelligent assessment of what is and what ought to be—or, more accurately, what might be.

Professor Grossman's *Lawyers and Judges* is a much more specific and detailed work. Like his colleague Jacob, Grossman is one of a number of productive and imaginative young specialists in the public law domain of political science whom Professor David Fellman has assembled at Madison during the past few years. A self-styled "judicial behavioralist"—again like his colleague Jacob, although unlike Fellman himself—Grossman has here recorded an important and perceptive study of the role of the American Bar Association (ABA) in the recruitment of federal judges. Appropriately subtitled "The ABA and the Politics of Judicial Selection," this thoughtful book contains unusual detail and incomparable insight. At its core lies the role of the ABA, not only in suggesting judicial personnel to the Attorney-General and in advising him on nominations, but in actually screening and rating these. Unofficial, *ad hoc* consultations had existed between the Bar's committees and the executive branch as early as the Hoover Administration—in a sense as far back as that of Taft—but it was not until 1952, during the waning months of the Truman Administration, that the present-day arrangement was formalized. The ABA's Committee on the Federal Judiciary, thus, came to life largely as a result of the efforts of the then ABA President, Ross Malone, and Truman's Attorney-General, James McGranary. It received its most prestigious charge when, at the direction of President Eisenhower, the name of William Brennan was submitted to the ABA Committee in 1956—the first Supreme Court selection so treated.

Briefly, what the Committee does is, after extensive investigation, to act on a nominee by according him one of these ratings: EWQ ("exceptionally well qualified"), WQ ("well qualified"), Q ("qualified"), or NQ ("not qualified"). There are occasional variants, such as "recommended" or "opposed." The Committee's role has proved to be highly significant—

but, as Professor Grossman's text and statistics necessarily demonstrate, that role is but one of the three major elements in the process of judicial selection, the other two being presidential nomination and senatorial confirmation. And as such nominations and confirmations as those of Judges Sarah Hughes of Texas and Irving Ben Cooper of New York have demonstrated—the former opposed by the ABA Committee as being over age as she was 65, the latter as being "temperamentally unsuited"—the last word does not lie with the ABA.

This is as it should be. Although it is patently a healthy development that a private group of national scope has become an integral part of the federal recruitment process at the national level, the political branches of the government cannot, and should not, abandon their functional responsibilities. The Committee's chief accomplishment has been to establish and enforce minimum standards of qualification. To that extent, as Professor Grossman puts it well, the inclusion of the organized bar in the judicial recruitment process as a consultant and adviser to the Attorney General and the Senate Judiciary Committee certainly makes sense. But, as he hastens to add—accompanied by a loud "amen" by this reviewer—"when the Committee is permitted, either tacitly or formally, to veto prospective judicial nominations, there is reason for grave concern. For neither the methods by which the Committee operates nor the discrete interests which it serves qualify it for exercising *that* degree of control over the recruitment of judges" (p. 215). *Lawyers and Judges* is an excellent work which ought to be read by members of the Bar as well as by social scientists. The former may need its data and wisdom more than the latter!

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AILEEN S. KRADITOR. *The Ideas of the Woman Suffrage Movement, 1890-1920*. Pp. xii, 313. New York: Columbia University Press, 1965. \$8.75.

This first book by an assistant professor of history at Rhode Island College deserves a wide and admiring audience. It rests on a variety of sources, some of them used for the first time, and Miss Kraditor has asked a number of searching questions of her materials and has told her story in a lively, clear, and agile prose. She has entered into and recreated the American suffragist mind more fully than any other historian.

She has concentrated on the 1890-1920 generation because less is known about them than their abolitionist predecessors who continued their agitation into the post-Civil War decades. And, because other accounts deal with the events leading up to the final triumph of the nineteenth amendment, Miss Kraditor has chosen to confine herself to the ideas behind the events. She has given us, in short, an intellectual history about an important social reform movement during the climactic phase of its struggle for political emancipation.

Unlike so many other writers, Miss Kraditor is free of the self-consciousness, the self-pity, and the self-righteousness of the feminist point of view. Taking for granted that women should have the right to vote, she reconstructs the arguments and describes the tactics of the suffragists to achieve that right. Then, in a skillful analysis that amounts to a major contribution, she comments on the suffragist argument where it related to Negroes, immigrants, the working class, the church, the state, politics, the home, sex, and marriage. Miss Kraditor's conclusion is that the suffragists held more or less standard Progressive attitudes toward these subjects.

And it is here that we touch on still another significant contribution that she makes. Miss Kraditor is the first historian, so far as I know, to show how the woman suffrage movement, launched in the middle of the nineteenth century, merged with the Progressive movement of 1900-1920. Like their male counterparts, the suffragists were middle-class Protestants of old-American stock engaged in the conservative task of maintaining traditional values against the predatory interests.

Owing to her organization, which is logical rather than chronological, Miss Kraditor sometimes repeats herself from one chapter to another. And in so skillfully written a book, it is surprising to run across the foolish Marxist jargon of "the Robinson Crusoe of the early bourgeoisie escaping from the feudal class relations that confine his energies." On the whole, though, the diction is as sound as the organization is firm. It is exciting to report the appearance of a new historian who has something important to say and who is eminently readable.

ARTHUR MANN

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JOHN A. CRAMPTON. *The National Farmers Union: Ideology of a Pressure Group*. Pp. xii, 251. Lincoln: University of Nebraska Press, 1965. \$5.50.

Seldom does a scholarly interpretation of the past achieve such timeliness. In view of the staggering blows currently being dealt to traditional rural political power by judicial rulings on apportionment and the recent emergence of the first new farmer protest group in forty years, the National Farmers Union (NFU), the insights of this book are immediately useful. They should be useful to students in rural social sciences, to the research scholar, and to rural leaders in diverse roles. This book takes its place with the recent substantive contributions of C. M. Campbell and W. J. Block about the American Farm Bureau Federation, of S. J. Buck about the National Grange, and G. Brandsberg about the National Farmers Organization.

Crampton has not rendered a historical review, political treatise, economic analysis, or sociological discourse—yet it partakes of each with a true interdisciplinary tone. But in so doing, the author strives to hold the fast moving chain of interrelated events by the conceptual thread of an ideology, a rather illusive tool even to philosophers.

This book traces interestingly the ideas, policy, leadership, and organization of America's smallest, and second oldest, major general farm organization from its

inception in 1902 to the mid-1950's. With headquarters in Denver, near its areas of strength in the Mountain, Plains, and Great Lakes regions, NFU has spawned a vast network of wheat-marketing co-operatives, its trademark in the business world. It has successfully led its membership—sometimes waning and sometimes expanding—from provincial and economic concerns to involvement in far-reaching national and international issues. James G. Patton, NFU president since 1940, also has provided leadership to the International Federation of Agricultural Producers. Crampton finds in this checkered history a pattern of egalitarianism, liberalism, adaptation to the changing fundamental norms in American society, and agrarian radicalism focused upon the four rural attitudes of a sense of disadvantage, pacifism, co-operativism, and the family farm ideal.

NFU is found to be an opinion as well as interest group bound by both common economic and policy-belief bonds, which goes far to explain its selectivity of members among farm folk and its mutuality with some nonfarm groups. This book represents a major effort of research scholarship that probed the chronicles of fifty years of federal legislation, voluminous NFU files, and interviews with leadership at all levels and even involved a primary survey.

Crampton seems to have an obsession with the unifying ideology. An ideology may be defined as a manner or content of thinking characteristic of an individual or class. It is easier to see the NFU's characteristic manner than content. In content NFU has shifted from isolation to internationalism, from pacifism to support of war efforts, from private to public bargaining power, from a cotton to a wheat focus, and from rural homespun oratory to sophisticated lobbying. Its chief characteristic has been its manner—a pragmatism, which is a sensitivity to the possible and is wanted by a particular farmer clientele in a rapidly changing nation. The ideas have changed but the manner of adaptation has persisted. Is this different from other viable farm pressure groups? No,

but the particular set of ideas and particular clientele of any such interest-opinion group at a point in time are distinguishable. Crampton's record of NFU's clientele, its ideas, and its actions is the contribution of this book and a major one.

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ANDREW SINCLAIR. *The Available Man: The Life Behind the Masks of Warren Gamaliel Harding*. Pp. viii, 334. New York: The Macmillan Company, 1965. \$6.95.

This fascinating book constitutes one of the first serious attempts to alter our traditional view of Warren Harding and his administration. The author is both a British novelist and Cambridge Ph.D. and has also published a superior work on prohibition. Dr. Sinclair had read most of the basic sources, including the recently opened Harding papers in the Ohio Historical Society, or rather the remnants of those papers since Harding's widow destroyed a good many of them shortly after her husband's death.

The book's thesis is that we have missed the real Harding because of the repetition of pleasant myths. Thus, Dr. Sinclair points out that Harry Daugherty, for example, was not Harding's Mark Hanna. Indeed, "it was as a *faithful servant*, not as a *hidden master*, that Harding asked Daugherty to serve in the cabinet."

The other myths include Harding's alleged Negro background, his sudden death, the famous legend of the Blackstone Hotel's "smoke-filled rooms," and the contention by the author that Harding was no political babe in 1920; he actively, if subtly, pursued the nomination, and when he got it, it was not as a gift from the Senate kingpins.

Dr. Sinclair also considers unjust the widespread belief that Harding was, following his election, "the mere front of a conspiracy." He was a party regular we are told, one who always "defended safe things . . . and attacked safe things." But for all of that "he was the President . . .

a significant, if mediocre," man who was nonetheless possessed of "great presence, ambition and political talent." Harding was "always his own master." The "incompetence and sloth and feeble good nature" more traditionally associated with him is no longer tenable since the opening of the Harding papers. In particular, those papers have revealed Harding, Dr. Sinclair concludes, as one who "began to learn painfully the duties and role of a modern President."

The picture that emerges, then, is reasonable and balanced. Yet, despite the material offered as new evidence, is the customary interpretation invalid? Warren Harding was, after all, a man of no special courage. He backed the intellectual eunuchs and political know-nothings who promoted and supported the Red Scare. He freed Debs but managed to keep most political prisoners under lock and key. He became a nativist when politically necessary. He made incredibly poor appointments and judgments. He turned his back on the genuine complaints of farmers and workingmen. He gambled and drank and caroused with the Ohio Gang and their venal crowd. He never even uttered an unpopular thought nor pushed an unpopular piece of social legislation while President.

It may be that our estimate of the man and his administration will have to change as new evidence comes to light. Until then, however, a good deal more convincing proof will be needed. Francis Russell's verdict still stands: "Warren Harding was a 'popular nonentity.'" He is also to be ranked with the worst of Presidents and with the shabbiest of administrations.

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JOEL WILLIAMSON. *After Slavery: The Negro in South Carolina During Reconstruction, 1861-1877*. Pp. ix, 442. Chapel Hill: University of North Carolina Press, 1965. \$7.50.

In justifying his detailed study of the Negro in South Carolina during Reconstruction, the author subscribes, by inference at least, to the thesis that each generation is called upon to rewrite its history. Dr. Joel Williamson, a native South Carolinian and now a member of the faculty of the University of North Carolina, recognizes in his preface the work previously done by George Tindall and Alrutheus Taylor and refers to Simkins' and Woody's *South Carolina During Reconstruction* as a "classic in revisionism." Yet the availability of additional manuscript collections and the changing concepts of race relations seemed to provide ample reasons for undertaking a new treatment of the subject. The result leads the reviewer to agree.

The dates in the subtitle, 1861-1877, are significant. For a very considerable number of South Carolina Negroes freedom and the experiences of reconstruction began during the Civil War rather than after. On the sea islands off the South Carolina coast under Union control Negroes were given some education and encouraged to buy small farms made available by the division of "abandoned" and confiscated plantations. Negroes were also recruited as Union soldiers.

With the approach of Union troops, especially after news of Lincoln's Emancipation Proclamation became generally known, slaves deserted the plantations wholesale. Even "faithful" household servants left. Many, of course, found disillusionment in freedom. There were hunger, disease, and homesickness for familiar surroundings. But relatively few returned to the old plantations.

The whites, in general, accepted the end of slavery in good faith but did not accept Negroes as equals. "Paternalism . . . persisted in the [Black] Code and secured widespread endorsement."

Some Negroes went to Charleston or Columbia or to the smaller towns as artisans or laborers; others were employed as household servants. But the great majority returned to the land to work as tenants "on shares," for farming was what they knew best. Formal contracts were

insisted upon by the Freedmen's Bureau. The more thrifty Negroes acquired land of their own. "By the end of Reconstruction, improvement in the material circumstances of the Negro population was evident" (p. 179).

During Reconstruction, Negroes generally withdrew from churches controlled by the whites and formed churches of their own, frequently assisted by Northern Methodists, Presbyterians, Baptists, and Episcopalians. Again assisted by Northern missionaries, South Carolina Negroes began to receive some education. The enrollment of Negro children in public schools increased from about 8,200 in 1869 to 70,800 in 1876, and more of the teaching load was being carried by Negroes.

Despite fears that racial differences would lead to a "war of the races," this did not take place. That the Negroes resented the role of inferior is obvious. They sought to defend their interests by an exercise of political power through the Republican party. The native whites, resentful too, attempted to negate that influence for a time by the Ku Klux Klan, "rifle and sabre" clubs, and later by racial solidarity in the conservative or Democratic party. Only occasionally did resentment flare into serious violence, as at Hamburg and Charleston in 1876.

Though an antidiscrimination law remained on the statute books of South Carolina until 1889, segregation became a way of life. "The real color line lived in the minds of individuals of each race."

The author concedes the lack of education and political inexperience of Negro legislators. He also recognizes that there were legislative corruption and "plush living in Columbia during Reconstruction." But he concludes that "if political intelligence is measured by success in getting the friends of one's interests into office and in establishing an effective program to promote those interests, then the Negro's political capacity during Reconstruction was on a par with that of his white contemporary" (p. 345).

Dr Williamson has done a monumental job of research and has written a book which pleads no special cause. Reconstruction is portrayed not as the "tragic

era" but as an admittedly difficult period when the two races were learning to live together within a new framework and when both had to deal with problems of ill health, poverty, care of the indigent, crime, and antisocial behavior.

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Dean

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JOHN RICHARD DENNETT. *The South As It Is: 1865-1866*. Edited by Henry M. Christman. Pp. xi. 370. New York: Viking Press, 1965. \$6.95.

The South As It Is is a reprint of thirty-six articles published a hundred years ago in the newly established *Nation* of New York. These articles resulted from a tour of seven states of the defunct Confederacy to collect data to further the endless task of putting the Negro in the main stream of American life. Mr. Dennett had a Harvard background and experience in the Port Royal experiment to uplift the first liberated Negroes. He never gave up his zeal for democratic righteousness. But his New England optimism was tempered by close contact with the Southern reality. Following in the track of Frederick Law Olmsted who visited the back country before the end of slavery, Dennett explored many niches of the former Confederacy immediately after the slaves were freed. On the instruction of his editors he reported "what he sees and hears, leaving the public as far as possible to draw its own inferences." He let Southerners speak for themselves and recorded in local dialects the thoughts and prejudices of persons in isolated rural areas as well as of those in accessible urban centers. When fantastic tales were told of plans to get rid of Negroes by shipping them to Cuba, he was skeptical. The reader is compelled to draw one inference from the polyglot conversations with this traveler: all whites, both Unionists and ex-Confederates, had an undying contempt for the Negro and hoped that means could be found to get him out of the country. The gloomy facts ferreted out by Dennett helped the Northern victors to make up their minds con-

cerning what should be done with the Southern prodigals.

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THOMAS JEFFERSON. *The Papers of Thomas Jefferson*, Vol 17: 6 July to 3 November 1790. Edited by Julian P. Boyd and Lucius Wilmerding. Pp. xxxvii, 677. Princeton, N.J.: Princeton University Press, 1965. \$15.00.

After an interval of three years, the publication of the Jefferson Papers continues with this distinguished volume. Its contents make dramatic reading. At a time when the government of the United States is that of the most powerful nation on earth, it is, indeed, a contrast to turn back a century and three-quarters and acquire so intimate a view of a regime still in process of foundation at home and struggling to establish its position abroad. As Secretary of State, Jefferson was deeply immersed in these problems, the domestic as well as the foreign. On the domestic front, by virtue of being a member of the Cabinet and an eminent Southern leader, he was involved in two of the earliest and most pressing decisions of the infant federal government: namely, its assumption of state debts and the location of the capital at a site on the Potomac. Jefferson favored the latter, but was initially opposed to the former, as were most Southerners. Hamilton succeeded, however, in persuading both Jefferson and Madison to moderate their opposition to federal assumption, a policy which was integral to his fiscal program designed to establish firmly the foreign and domestic credit of the union. In return, the Secretary of the Treasury offered the Virginians his support for the scheme to move the seat of the government from New York and to place it at a point more equidistant between the North and the South. Later in life, Jefferson regretted his part in this bargain—or "log-rolling"—since federal assumption had aided interests to which he was opposed. Yet, this volume reveals how enthusiastically he plunged into the work

of advising Washington on the exact site to be picked along the Potomac and of persuading the Virginia owners to offer their land for sale.

The *pièce de résistance*, however, of this volume is a collection of documents relating to the war crisis of 1790. The crisis arose from the expectation that war would erupt between Britain and Spain and the fear that the British would send forces from Canada to seize the Spanish holdings in Louisiana and Florida. The documents are preceded by a lengthy, and brilliantly analytical, editorial essay, which must surely be a model of its kind. The burden of the argument is to demonstrate Hamilton's double-dealing in a matter of high diplomacy. He sought to counter the pro-French orientation of Jefferson by steering the United States in a pro-British direction. But in so doing, he held secret discussions with a British agent, Major Beckwith, whose statements he then misrepresented to President Washington. Like some of his successors, Jefferson did not find the tasks of the State Department rendered any the easier when a prominent colleague was stabbing him in the back.

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LAWRENCE LEE *The Lower Cape Fear in Colonial Days*. Pp. ix, 334. Chapel Hill: University of North Carolina Press, 1965. \$6 00.

A book of this sort is above all a labor of love. The author, Associate Professor of History at The Citadel in Charleston and President of the South Carolina Historical Society, calls up in rich and affectionate imagery bulwarked by sound scholarship and research the development of the Cape Fear region in lower North Carolina, from the days of Ayllon and Varrazano to the period of Revolutionary crisis beginning with the skirmish at Moores Creek Bridge more than two centuries later.

Thus, the reader is treated in swift succession to a survey of the early explorations of the Carolina coast; of the mid-seventeenth-century attempts at settlement

by the Massachusetts-based "Adventurers about Cape Fayre," John Vassall and others; of the various Cape Fear Indian peoples; of the era of piracy in the days of Blackbeard and Stede Bonnet; and of the period of successful settlement under Governor George Burrington's patents, after the Charleston tax crisis of 1726 drove settlers northward to the upper Carolina colony. There are informative chapters upon the development of eighteenth-century government in North Carolina; upon Brunswick, Wilmington, and other towns of the Cape Fear Region; upon agriculture, commerce, the social order, and the ministry; and finally upon the Revolutionary crisis ending with independence in 1783.

In general, the lower Cape Fear region, like the rest of North Carolina, remained a somewhat backward area in colonial times with frontier conditions surviving almost until the time of the Revolution. There was virtually no permanent settlement until the 1720's, while after that date, population in the five Cape Fear "precincts" grew very slowly. The census of 1790, the first under the Constitution, showed only some 26,000 people in the district compared with the 400,000-odd in North Carolina at large. Except for the production of naval stores, the economy of the region was exceedingly primitive. The large "plantations" along the lower Cape Fear river, while characterized by fine homes and considerable resort to slave labor, were not cultivated intensively and produced relatively little in the way of rice or other great colonial agricultural staples.

The Cape Fear region, nonetheless, has a certain larger significance for colonial history, largely because the area became one of the principal sources of the tar, pitch, turpentine, lumber, and other naval stores so important to the British mercantile and imperial system in the eighteenth century. This was so far true that North Carolina's delegates to the Second Continental Congress warned their state against possible seduction to the British cause, pointing out that Parliament had exempted the colony from the recent act restraining trade because "Britain cannot keep up its naval force without you; you supply the

very sinews of her strength." The Cape Fear country, in other words, had an economic and political significance in Great Britain's imperial system far greater than its sparse population and back-country culture could have indicated.

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DARRETT B. RUTMAN. *Winthrop's Boston: Portrait of a Puritan Town, 1630-1649*. Pp. xii, 324. Chapel Hill: University of North Carolina Press, for the Institute of Early American History and Culture, Williamsburg, Virginia, 1965. \$7.50.

This is a detailed and scholarly study of the first founding of Boston and of its development during the first two decades of its history. But it is more than that, for it also throws fresh light upon the hardly more than accidental way in which was formed the community of towns around Massachusetts Bay from which was to grow the commonwealth of Massachusetts.

More important, it is a study which shows that the Puritans who built Boston, as the other Massachusetts towns, came without any preconceived notions as to how their utopia was to be built, whether in the matter of general or town government, economy, society, church organization, the relation of church and state, or even theology. All these aspects of the "New England way," as seen in Boston, had to be built afresh, with raw materials brought from England in the form of general ideas, institutions and customs, to be sure, but in new forms that were clear adaptations to the new circumstances. Above all, when Boston and the other towns around the Bay were founded, there was no such thing as a "Puritan way" or anything even approaching a unanimous "mind" among the settlers on any subject.

The only preconceived notion of the hoped-for society was that of "a city on a hill" expressed by John Winthrop in the lay sermon, "A Model of Christian Charity," that he preached to his shipmates on the *Arbella* in mid-ocean. According to Winthrop's idea, all the emigrants would be

settled in a single community, a community in which all the inhabitants would worship and serve God alike in the way which God desired. But even this concept, extremely vague and undefined to begin with, was soon lost sight of under the stress of the practical situation to which Winthrop and his fellow emigrants had to adapt themselves, beginning immediately upon their arrival.

"Boston's was an inauspicious beginning." The town was only one of those founded around the Bay when the immigrants in the fleet, which went first to Salem, found that Salem "pleased us not" and there took place the dispersion that produced Charlestown, Newtown, Roxbury, Watertown, Medford, and Shawmut—that is, Boston. Indeed, for some time it appeared that not Boston, but Newtown, would become the chief town. It was only by the force of a sort of natural selection, based chiefly upon Boston's natural facilities for overseas trade, that the town emerged as the hub of the community. As the town grew, town government took shape, but only gradually. The government, at first, was identified with the church, almost with the English parishes from which the settlers came. Eventually, however, the church and the government were separated.

The settlers did not, at first, think of themselves as congregationalists. Their congregationalism became self-conscious only slowly. Nor was there any "orthodoxy" in religious doctrine. Preacher differed from preacher and congregation from congregation in theology; the antinomian controversy actually emphasized the existing disparity and the need for orthodoxy. Even the Cambridge Platform, with the Westminster Confession, found the town—and the colony—still divided as to belief and church polity.

It is somewhat surprising, on one hand, to read that the basic economic pursuit of the settlers in the first two decades was agriculture and that the overseas commerce that presently brought Boston the basis for economic prosperity and success was built primarily upon the export of an agricultural surplus, while next to nothing is said of fishing as an industry

tributary to Boston or of the export of fish as an important commodity in Boston's growing commerce. It is not surprising, on the other hand, to read that the society that took form in Boston was a stratified one, with privileges of many sorts—political, economic, social, and religious—enjoyed by the upper class; that the town early assumed responsibility for seeing to it that schools were established and that an extensive program of social service was created; or that sin appeared in the city early in the form of adultery and even prostitution.

In this "portrait of a Puritan town" the two most striking characteristics of the subject are (1) the amazing "fragmentation of society" that marked the "failure of Winthrop's ideal" and (2) the process of adaptation writ large upon the record of the founding and growth of this town. The author is deliberately a revisionist, who wrote his book because of his doubt of "the long-standing shibboleths about New England" (p. 296). Puritanism was not a "constant factor" injected "into the moving stream of history"; at the beginning there was no "Puritan way," no "constant"; there were only "actions, reactions, interactions." The different groups, their reactions, their ideas, their faiths, "fragmented and splintered," passed from the Winthrop years to later years, there to be fragmented and splintered again (p. 274). There was no unanimously held creed, no preconceived plan, no clear ideas as to government or as to the relationship of the town with the colony or of the colony with England. Everything was fragments and splinters, to be shaken together, if ever, only after decades of adaptation and adjustment.

On one hand, Professor Rutman does not hesitate to take issue with the late Perry Miller and with Edmund Morgan on the degree of commitment of the first settlers to the "non-separating congregational way," and he is emphatic in his thesis that the Puritan settlers were unified in nothing—intellectual, religious, or otherwise—except in their common desire to live godly lives. On the other hand, the author himself slips in the direction of an outworn shibboleth when (pp. 257, 278)

he repeats the old idea of many writers on Puritanism that Benjamin Franklin's pragmatic morality of the eighteenth century was essentially the way of the Boston Puritans' religious morality of the seventeenth century—an idea that cannot stand the light of rigorous historical criticism. Be that as it may, the author does succeed in challenging the old shibboleths about the preconceived Puritan utopia. In his Namieresque insistence upon the study of facts, cases, and individuals, in detail and separately, he inspires a salutary caution relative to all glib generalization. It is just possible that, in his desire to destroy the shibboleths, he may have—as Namier himself—destroyed or overlooked the generalizations, especially in the realm of the emerging Puritan ideas and ideals, that are possible.

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THEODORE DRAPER. *Castroism: Theory and Practice*. Pp. xiii, 263. New York: Frederick A. Praeger, 1965. \$5.95.

Theodore Draper has written a fascinating book and has enhanced his position as the best United States authority on the Castro Revolution. He has carefully traced the gyrations of Castroism since 1953, being "primarily interested in [that] political phenomenon . . . , rather than in the personal history of Fidel Castro as a whole." Mr. Draper still believes that Castro was not a Communist before he took power, and he remains vague as to when he "cast his lot" with the Communists. He prefers to treat Castro as a one-of-a-kind species. "Historically, then, Castroism is a leader in search of a movement, a movement in search of power, and power in search of an ideology. From its origins today, it has had the same leader and the same 'road to power,' but it has changed its ideology. . . . Yet Castro's ideology has never come out of himself. He has only produced a 'road to power,' which has attached itself to different ideologies. He won power with one ideology and has held it with another."

Mr. Draper has revealed a rare quality

of prescience in his absorbing account of Che Guevara's confessions of economic mismanagement during his ascendancy. He offers clear evidence that Guevara, whether dead or alive now, bears heavy responsibility for the chaos which has overtaken Cuba. "Guevara seems to ignore the contradiction into which he has driven himself. . . . Guevara advocates the slogan of 'agrarian reform' in the struggle for power, and the reality of 'collectivism' after the capture of power. . . . His argument resembles a sleight-of-hand trick in which the audience is supposed to look at one sleeve while he is hiding something in the other."

Mr. Draper, although "willing to give the Castro regime the benefit of the doubt," was not as generous toward policy-makers in the United States government, of whom this reviewer was one. The Castro policies of 1959 and 1960 rejected every avenue to understanding with the United States. The author describes how Ambassador Bonsal was forced to cool his heels in Havana, and repeats the story of Lopez Fresquet and Pazos that Castro sealed their mouths during their visit with him to Washington in April 1959. What he could not have known was that I spoke to Castro personally in Buenos Aires in May 1959, that the Cuban Ambassador in Washington went to Havana that summer and never could get an audience with Castro, that I had a long meeting with Foreign Minister Raul Roa in Washington in the fall of 1959, and that Secretary Herter and Roa talked, with nobody else but myself present, in Santiago, Chile, in August 1959 during the meeting of Foreign Ministers there—all to no avail. These meetings were barren of results because Castro's mind was closed to any viable relationship with the United States.

Author Draper does not spare Senator Fulbright, acidly observing that the Chairman of the Senate Foreign Relations Committee "could not have chosen a more unfortunate moment than March 1964 for his pronouncement on Cuba The one thing that could pull Castro through every danger threatening him would be 'U.S. acceptance of the continued existence of the Castro regime' as Senator Fulbright

recommended We were asked not only to make a gratuitous gift to Fidel Castro's stability but to do so in the worst way possible."

Whether one be teacher, student, journalist, diplomat, or average reader, we are all indebted to Theodore Draper for an illuminating and diverting work.

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ECONOMICS

L. J. ZIMMERMAN. *Poor Lands, Rich Lands: The Widening Gap*. Pp. 170. New York: Random House, 1965. \$1.95.

This new contribution to the burgeoning literature on economic development, from one of Europe's leading development economists, is particularly welcome because of Professor Zimmerman's flair for gathering, presenting, and analyzing facts in new and interesting ways. Economic history, Professor Zimmerman reminds us, is not a story of steady progress, even over rather long periods. The wealth of ancient Rome was surpassed only by western Europe and the United States in the nineteenth and twentieth centuries. Moreover, the economic progress in the last 120 years has been very unequally shared, and gaps in per capita income between rich and poor countries are increasing rather than diminishing.

Dr. Zimmerman proves once again, but in a somewhat novel fashion, that economic development is largely a matter of getting people out of agriculture. He finds a simple straight line correlation between income and the share of employment outside of the primary sector, with a regression coefficient of 0.92. From this analysis he goes on to conclude that "therefore the thesis that a country is poor because it was poor to begin with is definitely wrong." His argument seems to be that in the early nineteenth century the advanced European countries had occupational structures similar to those of very poor countries today. Applying his equation, it follows that these countries must have been

very poor at that time; and yet they have shown great progress since. But while per capita in Europe in 1800 may not have been much higher than in Asian countries today—although even this fact is open to question—once the industrial revolution was underway, as Professor Zimmerman himself indicates in his case studies, the European countries turned out to be much wealthier, in terms of resource—population relationships—than the Asian countries are today with their huge populations. Professor Zimmerman also demonstrates once again, but with data that are new to the reviewer, that developing countries cannot always afford to choose the more labor intensive techniques, since these are often too expensive.

Professor Zimmerman's case studies suggest a kind of "challenge and response" theory of development: "Although in England an endogenous factor—the wood shortage—gave momentum to economic development, in Japan it was an exogenous factor—i.e., the increasing fear of foreign political interferences, that achieved the same result" (p. 120). He also shows that in Japan there was a very high marginal propensity to save in the early decades of development following the Meiji restoration, although in subsequent decades consumption, as indicated by real wages, rose much faster in Japan than in the United States or in the advanced countries of Europe. Professor Zimmerman's recommendations for reducing the gap between rich countries and poor are simple enough: "In order to succeed three main hurdles have to be overcome: the obstacles standing in the way of an increase in the propensity to invest; the difficulties hampering any extension of the supply of skilled labor and organizational talent; and the factors resisting a greater diversification of exports, thus preventing any diminishing of the fluctuations in the capacity to import."

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GEORGE F. BREAK. *Federal Lending and Economic Stability*. Pp. x, 185. Wash-

ington, D.C.: Brookings Institution, 1965. \$5.75

Aside from a tendency to paint differing federal economic thinking with the fuddy-duddy brush, this volume is a highly informative and useful portrait of past and future application of federal loans as tools for economic stabilization.

Uninhibited by the pragmatic responsibilities which are inherent in the life of the federal decision-maker, and writing from the context of a broad background in economics, Professor Break nonetheless offers a factual and thought-provoking analysis of federal lending programs and their relationship to national economic objectives. Past this contribution, the volume often reflects a creative and provocative exposition of the author's own view as to what some of those objectives might be.

Federal lending is a subject well worthy of extensive study. As the author points out, direct federal lending has increased from 4.2 billion dollars in mid-1946 to 30.2 billion dollars in mid-1963. Legislation enacted by the Eighty-ninth Congress will make this study even more timely.

The volume discusses federal lending in terms of its effect on income and output, describes fiscal offsets, covers the general economic impact of such programs, treats interactions with monetary policy, deals with welfare aspects of lending, provides information and tables as to lending cycles, offers formulae for program measurement, and identifies federal lending programs under "flexible stabilizer" and "long-lag" groupings. Examples are also given as to the effect, and potential effect, of such programs during periods of economic expansion and recession. Opinions are offered on federal budget presentation.

Nor does the report lack candor. Discussing loans to borrowers "whose low-income status entitles them to public support," Professor Break notes that low-rate federal loans could be made for "basic consumer durables" and would have certain advantages over straight federal gifts.

Particularly useful is an extensive appendix which summarizes eighteen federal lending programs under "Marginal Borrower," "Unrestricted," and "Foreign and Defense" headings. Included are historical

and financial data and descriptions of program objectives and characteristics. Range of coverage is from the mutual security area to the Rural Electrification Administration program. Tables are selectively presented throughout the book, and general tables are provided in an appendix.

Given an enigmatic subject area, particularly difficult of measurement, the volume is well organized, and the author's style is pleasant, forthright, and readable. The result reflects a really extensive and productive effort, in an area where research and literature have fallen well short of need. It is doubtful if the electorate is ready to accept all of the author's proposals, but his work is informative, stimulative, and challenging.

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S. SWIANIEWICZ. *Forced Labour and Economic Development: An Enquiry into the Experience of Soviet Industrialization*. Pp. ix, 321. New York: Oxford University Press, 1965. \$7.20.

"The study is the outcome of personal experience [with camps] and of subsequent research" (p. 1). The title of the volume indicates the great importance assigned by the author to concentration camps in the Soviet economic development. The subject is discussed in greater detail in the lengthy chapter, "The Labour Bottleneck" (pp. 148-173), and elsewhere in the volume. Already during the first three Five Year Plans an acute labor shortage developed. "The targets of the national plan being what they were, the Soviet economy was in desperate need of more man power. . . . Sharp competitive bidding for labor ensued between various Soviet employers" (p. 158). Concentration camps were a major source of this labor, but it was an undesirable, brutal source. The camp inmates were poorly fed and dressed and were, in general, in a deplorable condition. Last but not least, mortality in them was immense; according to Swianiewicz, mor-

tality in camps was equivalent to 10 per cent in 1933 and to 20 per cent in 1938 (p. 17). This was itself a great additional factor in the rapid growth of the labor shortage.

Much space is devoted in the review volume to the number of inmates in camps. This reviewer's estimate of about 3.5 million in 1941 is almost exactly doubled by the author (pp. 31, 291-303). If there were seven million inmates in camps and their mortality was equivalent to 20 per cent, the total number in labor hardly could have been prevented from falling. The number of inmates engaged before the start of the Second World War specifically in construction is estimated at 3,500,000 (p. 292), a figure which seems much too high to the present writer. According to the 1941 Plan, the total number of persons engaged in construction and installation—not only those in the camps—was to be 1,958,300 (p. 512).

It is strange that in discussing planning great emphasis is put on the occupation of the persons involved. A special group of economists is distinguished in a section of the volume which carries the title "The Purge of the Economists" (pp. 141-47). The economists are described as adepts of the genetic line "The teleologists were mainly engineers although the engineers of the Prompartia, tried in 1930, were, so far as this matters, geneticists.

I stumbled also on a number of other errors. Dzerzhinski, who according to the reviewed volume "was both head of the security policy (OGPU) and chairman of the Supreme Council of National Economy (VSNKH)"; was this not simultaneously, but consecutively (p. 143). On Dzerzhinski it is useful to consult Valentinov's *Memoirs*. In listing on page 141 those economists who were followers of the genetic line, Bazarov is included (p. 141), although his views were a combination of both the genetic and teleological lines. The author of the reviewed volume speaks of a trial of the party of the Working Peasantry, which followed the trial of the Prompartia (p. 141). An open trial of the Party of the Working Peasantry never took place. The trial involved was that of the Menshevik party in March 1931. There is

no reason to assume that the errors listed exhaust those present.

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WILLIAM H. FORM and ALBERT A. BLUM (Eds.). *Industrial Relations and Social Change in Latin America*. Pp. ix, 177. Gainesville: University of Florida Press, 1965. \$6 50.

Since this small volume of nine essays purports to be about industrial relations as it affects social change in Latin America, the reader should be warned that there is included a great deal of extraneous matter. The first two essays present material that has been more adequately covered elsewhere. Certainly the chapter on United States foreign policy should be ignored by anyone who values his time as the information is too old to be useful.

But three articles merit attention. In collaboration with two assistants, Professor William Foote Whyte has investigated labor-management relations in several unnamed plants in Peru from June 1961 to August 1962 and concludes that there is evidence that labor and management can deal with each other directly.

Carroll Hawkins reports on ORIT, the Organización Regional Inter-Americana de Trabajadores founded in Mexico City in 1951, as the regional group of labor unions opposing the Communist-controlled World Federation of Trade Unions. Since the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) is the most powerful member of ORIT, there is danger that the free trade movement will suffer the opprobrium attached to all *yanqui*-dominated organizations.

By far the most provocative of the essays is K. H. Silvert's "Social Change and the Role of Government." Although not exclusively devoted to industrial relations, his shrewd analysis and imaginative suggestions deserve attention even though some of his conclusions are irritating. He discusses the nature of a "modern society" and the reasons for its seeming failure to develop in Latin America. Monistic explanations such as an anachronistic feudal

economy or a paternalistic society are misleading. "Modernism is a total package in which economic advance depends for its continuance on social and political practices which spell the dignity of freedom" (p. 112). He insists that "political freedoms are not to be sought *after* industrial development is well under way, but rather must accompany such development in order to prevent institutional breakdown, depression, class conflict, and possibly revolution" (p. 155). Economic development without pluralistic political development could easily change traditional authoritarianism into modern totalitarianism—a warning worth heeding.

He is less convincing when he argues that a prerequisite of development as he envisages it is the "creation of the secular nation-state, the institution through which are organized and expressed total community loyalties, overriding class and other interest divisions" (p. 133). Just why the nation-state should be the catalyst of change to a "modern society" is not clear, especially in the light of the danger inherent in nationalism. It could be argued that the outlook for Central American development, to give one example, is more favorable today just as national interests seem to be less important.

Perhaps the weakest portion of the book is that contributed by the Editors in a concluding chapter. However, they emphasize one important point: an effective industrial relations system might do much to bring about social change and a developed economy without revolution. This suggestion should be taken seriously throughout Latin America.

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JOSÉ MEDINA ECHAVARRÍA and BENJAMIN HIGGINS. *Social Aspects of Economic Development in Latin America*, Vol. II. Pp. 272. Paris: UNESCO, 1963. \$4.25.

As part of its series on "Technology and Society," the United Nations Educational, Scientific, and Cultural Organization (UN-

ESCO) has published the findings of a working group on Latin America. This is the second volume. It comprises two monographs. Written by two noted scholars, Dr. José Echavarría of Santiago, Chile and Professor Benjamin Higgins—a Canadian teaching at the University of Texas—the analyses have the merit of detachment. Mr. H. M. Phillips, of UNESCO's staff, serves as *rapporteur*, writing the introduction and the conclusion with some penetrating observations of his own and some aphorisms: "The West used to export its values; now it is exporting its complexes" (p. 271).

Each part of the volume is fascinating and worth-while. The book itself does not quite achieve the hoped-for result. The hope, I believe, was that a combined interdisciplinary study by a sociologist, Dr. Medina Echavarría, and an economist, Dr. Higgins, might illuminate the general problem of how economic growth in underdeveloped countries can be planned and brought off, with specific reference to the Latin-American region. As often happens in such attempts, the outcome is not an interdisciplinary synthesis but a couple of separate, though excellent, parallel studies. Mr. Higgins forthrightly concedes in his summary that no real break-through was achieved on the practical problem. This is not, he considers, the fault of the authors, as he says, "one of the major 'obstacles to economic growth' is still sheer ignorance as to the nature of the process. We have no general theory of development and we do not seem close to getting one" (p. 245). No Keynesian revolution has yet illuminated this field, and Higgins calls for more interdisciplinary teamwork. Meanwhile, he suggests, we should "abandon the search for a generally applicable theory at this stage" and "concentrate on the development process as it occurs in particular countries—or at least particular regions, such as Latin America—at the present time" (p. 247). The need to program economic and social development as an integrated opportunity is perhaps more apparent in Latin America than anywhere else—but programming and corresponding action will not wait until a mathematically demonstrable method has been worked out.

We find Dr. Medina Echavarría searching for the true scope of economics—he is a sociologist—while Professor Higgins, the scientific economist, argues that social scientists should determine the order of priority—for example, the scale of values—in dealing with economic problems. This would be the task of sociology. The dilemma is obvious. Economists do not consider themselves architects of a value system. Sociologists, when they overtly deal with value systems at all, usually consider that economic conditions are the causative factor. This reviewer believes neither is right. A value system is philosophical, external to both techniques. Obviously, it can be applied concretely only when economic means are present and when sociological formation permits in some part its realization.

Parts of these studies are brilliant. Especially recommended are the concluding thirty pages of Echavarría's study discussing political instability in Latin America as compared to stability in the United States and Higgins' observations on the essentiality of the middle class and—heresy in Wall Street!—the experience with and possible uses of inflation as a causative factor in economic growth.

So we get a good deal of useful information about sociological formation in Latin America and some interesting speculation about the central problem: How does economic development come about, and how can it be guided? That question remains unanswered just as it remained unanswered in Walt Rostow's famous book, "Stages of Growth."

The result is a useful academic discussion, though of limited help in telling puzzled politicians or administrators where to go and what to do when they get there. This is not to deny the value of the UNESCO volume. By just this sort of study and speculation, we may eventually come to learn what really engenders economic development—and what development is "good." My guess is that a philosopher is as likely to find the answer as the social scientists; causative values, after all, are his business.

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DAVID G. BROWN. *The Market for College Teachers: An Economic Analysis of Career Patterns among Southeastern Social Scientists*. Pp. xv, 301. Chapel Hill: University of North Carolina Press, 1965. \$7.50.

The subtitle implies more than the book contains. On the basis of personal interviews with 103 recently appointed teachers and 50 chairmen of departments of economics, history, and sociology in 18 colleges and universities in the southeastern United States, Professor Brown, a labor economist, has delineated, discussed, and documented—often with tests of the significance of difference between statistics—the process by which buyers and sellers of professorial services meet and strike bargains. Few readers are likely to be surprised, for example, by the finding that while decisions in this market are not usually based solely on a precise calculus of marginal costs and benefits measured in dollars, nevertheless it is seldom that either party to a deal can wholly ignore such considerations.

Much attention is given to the adequacy or inadequacy of the information on which bargaining is based. A knowledgeability index and an ignorance index derived from the author's interviews are used to categorize prospective employers and employees, and it turns out that on the average those at the larger and more prestigious institutions are better informed than those at the small denominational colleges. The latter institutions are further handicapped in that they can draw upon only limited segments of the nationwide supply of professorial talent.

The author hypothesizes a point of diminishing returns beyond which additional investment in getting information about a candidate or a job would be unprofitable, but he finds that in actuality that point is often not even closely approached. His concluding chapter is a plea for a change of American academic mores whereby all vacancies and candidacies for academic posts would be made known through formal channels. The employment bulletin issued by the American Sociological Association is cited as a model, which other professional associations ought to copy. Dr.

Brown suggests, however, that definite sanctions would be necessary to bring about such a change. Blacklisting unco-operative departments is suggested as a possibility. The text regrettably shows occasional signs of having been prepared under pressure to meet a deadline for publication.

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FUAT M. ANDIC. *Distribution of Family Incomes in Puerto Rico: A Case Study of the Impact of Economic Development on Income Distribution*. Pp. 173. Rio Piedras: Institute of Caribbean Studies, University of Puerto Rico, 1964. \$3.00.

This study of the changes in the distribution of incomes in Puerto Rico since World War II is the first of the Monograph Series published by the Institute of Caribbean Studies. Economic development in Puerto Rico has led to a significant equalization of incomes, particularly among wage-earner families. The author attributes the reduction in the degree of inequality to industrialization and expansion of government services. Industrialization has increased the share of wages in the national income, moved population out of low-income rural areas, reduced unemployment, and brought women into the labor force. Government services such as public assistance, low-rent housing, free hospitals, and preventive medicine have been developed for the benefit of low-income families.

The data on family incomes before taxes show reductions of the degree of inequality from an index of 0.45 in 1941 to 0.30 in 1953 for wage-earner families and from 0.52 in 1947 to 0.46 in 1955 for all families. The progressive income tax and the value of social services in kind have led to even more equalization than is measured by statistics on income distribution. The interpretation of the movement towards equality clearly exhibited by the available data, as the result of economic development, is strengthened by consideration of the special situation of Puerto Rico with respect to emigration. Making the extreme assumption that all emigrant families would have zero incomes and including them in the population for 1955 increased

the index of inequality to 0.50, still less than 0.52 in 1947.

The results of this study suggest that developing countries may not go through a stage of increased income inequality in order to increase the volume of private capital formation. Indeed, the equalization of incomes may be the condition for further economic growth. Improved health and higher levels of educational attainment contribute to increased productivity through the investment in human resources. Although the example of a single country cannot be generalized, it offers an analytic frame for similar studies in other developing countries.

In addition to the substantive material, this book contains useful summaries of the literature on concept and measurement and a comprehensive bibliography.

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SOCIOLOGY AND ANTHROPOLOGY

DANIEL J. LEVINSON and EUGENE B. GALLAGHER. *Patienthood in the Mental Hospital: An Analysis of Role, Personality, and Social Structure*. Pp. xvii, 265. Boston: Houghton Mifflin, 1964. \$5.95.

This is an extraordinarily interesting and valuable book. The authors have collaborated to produce a work which should ultimately result in better patient care. They conceive of patienthood in a mental hospital as a unique and important experience in an individual's life. By carefully studying that experience, they illuminate the fact that the mental patient is much more difficult than the carrier of a disease for doctors to treat. They acknowledge but de-emphasize the influence of the illness on patienthood, and they concentrate on social factors which are of the utmost importance in a mental hospitalization.

The mental hospital is described as a quasi-bureaucratic institution which is not completely unlike a general hospital, a prison, or a college in the fact that patients are respectively sick and incarcerated and that hopefully they are there to learn

about themselves. Thus, the hospital is a therapeutic, correctional, and educative institution. All mental hospitals have an intermingling of the three aspects in different degrees.

A patient's social role and role performance are determined not only by his illness but by other personality factors and the social structure of the hospital. His personality is determined not only by his psychosexual development and his illness, but also by the social class from which he comes, his economic status, and the like. This is the most refreshing aspect of the book, as formerly a patient's behavior in the mental hospital was viewed as a derivative of unconscious forces. The authors point out conscious and unconscious role attitudes toward hospitalization plus influences from the external environment—the hospital staff—as important determinants in shaping the patient's role performance. For example, a blue collar worker who can now afford an upper class hospital—for example, client-oriented, psychodynamics stressed, relatively few restrictions, and pleasant atmosphere—still often responds as if he were incarcerated, and his goal is to “get out of the hospital” usually by dealing with authority in an uncritical submissive way. The upper-class patient in the same hospital has an entirely different career and a different goal. He feels more at home, and he wishes to “understand his illness” with the help of his psychiatrist. Many other combinations of psychosocial situations can and do occur in mental hospitals, and now with this study they can be viewed with more understanding.

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LLOYD H. ROGLER and AUGUST B. HOLINGSHEAD. *Trapped: Families and Schizophrenia*. Pp. xiii, 436. New York: John Wiley & Sons, 1965. \$8.95.

This book represents a major effort to compare families containing schizophrenia as contrasted with well families in the slums of San Juan, Puerto Rico. The effort is to be commended because this pop-

ulation, in New York State for one example, is vulnerable to high rates of mental illness as has been indicated previously not only in the hospital admissions statistics for the state, but in the Midtown Study, conducted in Manhattan, on a random sample of New Yorkers which included the fringe area of a sizeable Puerto Rican district. No one can come away from this book of 436 pages of rich documentation and abundant quotations from family members without realizing that these pressures of poverty and this life in the slums of San Juan have been full of problems for these people.

There are many good leads in the data such as the picture of overprotective mothers and economically pressured male heads of families; but for the most part the picture of causation in mental illness is not clarified for this particular group, the lower-class Puerto Rican, by noting the global and nonspecific fact that families with schizophrenic mothers are severely disturbed or that sick mothers are unable to support their children emotionally and socially while fathers are less concerned generally with child-rearing (p. 400). It would not be necessary to go to Puerto Rico to learn these truisms, and they do not explain the greater vulnerability of this particular population as reflected in both higher rates of disturbance for San Juan slums and New York's marginal Puerto Rican neighborhoods. Unlike the Midtown Study, in which the Puerto Rican story could be compared with that of eight other ethnic groups to sharpen the hypotheses and to give particular answers on differential rates, this study tends to juxtapose the slum and the family as two non-specific generalizations without too well explaining why some families never begin to succumb to such “ecology” while other families do.

There are a good many studies today which are emphasizing the pressures of the so-called “culture of poverty” without noticing the special problems in specific cultures of particular ethnic groups beset by this added hazard of the slum. A further difficulty is that besides stripping down the cultural group and its circumstances of life to poverty alone, a similar process of

blurring the mental illness variation occurs when the extremely ill are merely labeled with such a term as general and nonspecific as schizophrenia.

How does one correct this partial omission of cultural conditions? Among poverty-ridden Puerto Ricans the disparity between conditions of actual life and the cultural ideal of male dominance or male provider as against a protective, nurturant mother is strained by the industrial and urban factors of women in the labor force and male unemployment, to cite two particular cultural stresses, present in San Juan and again in Manhattan. These can and should be traced from a sociodynamic to a psychodynamic level to describe the particular Puerto Rican trap.

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SAMUEL Z. KLAUSNER (Ed.). *The Quest for Self-Control: Classical Philosophies and Scientific Research*. Pp. xiv, 400. New York: Free Press, 1965. \$7.50.

"Individual management of stress, the ability of the individual consciously to control his acts despite pressure, is the central concern of this book." This topic of self-control is discussed by the contributors in four perspectives: historical, sociological, psychological, and psychiatric. From an historical-philosophical standpoint the problem is discussed by P. Kecskemeti, S. Z. Klausner, B. Nelson, and M. Hadas; from a sociological viewpoint it is analyzed by R. Jung, S. M. Dornbusch, M. K. Opler, and G. E. Swanson; a psychological study of it is sketched by S. B. Sells, I. L. Janis, S. J. Korchin and H. Liddell; and its psychiatric aspects are outlined by J. C. Whitehorn, M. T. Orne, D. Mck. Bioch, and K. Goldstein.

Such a broad, interdisciplinary approach seemingly promises a fruitful and significant elucidation of the central problem of the volume. Unfortunately the expectation is not fulfilled by the book. After its careful study one knows about self-control or "individual management of stress" not

much more than before its reading. The reasons for such a disappointment are several. First, some of the essays have a remote relationship to the topic. The essays of Nelson and Hadas represent fragmentary "philosophies of history and culture" rather than a study of self-control in stressful conditions; a short essay of R. Jung has no relation to this problem; in a lesser degree the same can be said about several other essays. Second, most of other articles are either too sketchy or tell platitudes in obtuse "scientific jargon" or concentrate on the analysis of insignificant changes in the behavior and mentality of individuals and groups in stressful disaster conditions; saying nothing of important—vital, mental, moral, and social—changes in their mentality and behavior. This can be said of most "sociological," "psychological," and "psychiatric" essays. Third, despite a few fairly long bibliographies attached to some essays, the literature cited enumerates many an unimportant work without mentioning a large number of the basic—theological, philosophical, sociological, psychological, and historical—studies in the field. The volume does not inform about most of the theories, techniques, or empirical results of these classic treatises and fruitful investigations. It does not give either historical survey of these theories and techniques of self-control or of an analysis and typology of the effects of disastrous conditions on individuals and groups. It also does not include the ways and means of how some of the individuals and collectivities have overcome their catastrophes—like Beethoven his deafness or Milton his blindness—or how many past and recent societies have creatively revived after great famines, pestilences, devastating wars, and destructive anarchy, not to mention the renaissance of many a community after the calamities of flood, earthquake, and other disasters.

Of course, some knowledge about self-control in stressful conditions the volume gives, but this knowledge is very limited and concerns mainly insignificant detail of this important but exceedingly complex and elusive phenomenon.

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DANIEL H. CALHOUN. *Professional Lives in America: Structure and Aspiration, 1750-1850*. Pp. xiv, 231. Cambridge, Mass.: Harvard University Press, 1965. \$5.95.

This book is a study of the legal profession in Davidson, Smith, and Sumner Counties, Tennessee, of the medical profession in New York, and of the ministry in New England, especially in New Hampshire. All three case studies are heavily documented.

In the book two themes are dominant: one, the changing popular attitudes toward the three professions; the other, the cleavages and controversies within the professions and the search by them for appropriate standards. Mr. Calhoun shows that toward professionals there has been in America a persistent skepticism which, on occasion, has amounted to outright hostility. This attitude derived from a belief that professionals tended to set themselves above and apart from the general run of humanity, that they acquired a dangerous power over their fellowmen, and that, especially in law and medicine, they were prone to abuse the fee system. More amenable to popular control than law and medicine, the ministry was kept within economic bounds. The philosophy of the proverbial supplication, "Lord, You keep him humble and we will keep him poor," was likely to be observed toward preachers.

In this reviewer's opinion, inclusion of more precise data on incomes of lawyers, doctors, and ministers would have strengthened the study. For instance, the discussion of legal-fee payments in kind and of the number of court appearances by particular lawyers, affords no clue as to dollar-value incomes of members of the bar.

If by 1850, professions in America were heading "toward mediocrity," this had come about not only because of the advance of democracy and equalitarianism, but also because of unseemly dissensions within professional ranks, particularly those of physicians and Congregational ministers. When prominent doctors and medical societies quarreled publicly with one another, it was little wonder that laymen should have had second thoughts about the professional competence of the principals. And when

occupants of the pulpit acted as though they thought the church existed primarily for the benefit of ministers, it was understandable why parishioners might conclude that short-term contracts were preferable to life tenure for shepherds of the flock.

As a diligent effort to discover the controlling forces in early American professional growth, Mr. Calhoun's study is to be applauded. It is to be hoped that it will encourage similar studies in depth for other periods and localities. Results of such investigations should form invaluable supplements to existing surveys and make possible more authoritative surveys in the future.

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AARON WILDAVSKY. *Leadership in a Small Town*. Pp. ix, 388. Totowa, N.J.: Bedminster Press, 1964. \$7.50.

Leadership in a Small Town is a replication and extension of the earlier study of New Haven by Dahl and his associates. While the scene now is the small mid-western college town of Oberlin, Ohio, the findings lead to more or less the same conclusions as reported in the earlier studies: decision-making follows a "pluralistic pattern," only a small number of citizens are active participants in any given issue, and there is limited overlap of personnel from issue to issue. Most people have only specialized issue influence, and the few general influentials turn out to be public officials rather than businessmen. However, Wildavsky does concede that "the values of local businessmen were dominant [in the 1930's] and their leadership was accepted with but a few minor exceptions" (p. 41). This is an interesting concession considering the withering criticism which Wildavsky and his Yale associates have levelled against the Lynds for having come to the same conclusion about "Middletown" for this period of time.

A major section of the book, eleven chapters, is devoted to summary descriptions of all major community issues which arose during the five-year period covered by this study. Unlike Dahl, Wildavsky includes issues involving private initiative

as well as local government. The chapter on "Negroes and Low Cost Housing" was particularly striking because it seemed to reflect so clearly a national dilemma. Unfortunately, no attempt was made to develop a typology of issues as more or less controversial or crucial to community well-being.

Other chapters include portraits of leading influentials and a short but provocative defense of modern society against the theorists of gloom and doom who argue that contemporary man is alienated and powerless. As Wildavsky points out, modern man is relatively freer than his forebearers of the suffocating embrace of kin and custom, and if he so desires, he can be an active participant in at least a limited set of community decisions.

In this study pluralism seems to refer to the presence in behavior of orderly conflict between opposing groups or factions for control of community decision-making. Such behavior is pluralistic to the extent that no one group controls all decisions and wins all the battles. Wildavsky adds a further dimension to pluralism by noting the occasional presence of persons he calls meteors who appear out of nowhere, get heavily involved in an issue, and, in fact, may be influential in its resolution. (Jennings and Presthus have called these people issue specialists.) The findings are actually similar to those of most other social scientists who have written on community decision-making in the past decade, but interpretations and conclusions have differed. Perhaps one reason for the differences lies in the evidence that there are some requisites for admission to the "pluralist game." The players tend to be middle class or above in status, with the accompanying characteristics of high-school-college education, and white collar employment. In some cities studied, El Paso, for example, the fact that a large proportion of the population—30–40 per cent—has not yet achieved this status has led the researchers to question the strength of the pluralism thus far achieved.

The most disappointing chapter in the book is the one devoted to demonstrating that reputation for influence is not an excellent index of reality. Those interested

in furthering the development of theory and methodology in the study of community power may wish that Wildavsky had used the space to explore the possible uses of the reputational technique, hinted at in the footnotes and in the concluding paragraph of the chapter, and not wasted it on the whipping of a dead horse. These criticisms aside, Wildavsky's follow-up of the New Haven work is a readable, useful addition to the growing literature on leadership and community decision-making and is of interest to scholar and layman alike.

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GEORGE E. MOWRY. *The Urban Nation, 1920–1960*. Pp. x, 278. New York: Hill and Wang, 1965. \$5.00.

This volume in "The Making of America" series comes with enthusiastic and unqualified endorsements on the jacket by four excellent historians. Were it not for these encomiums by historians whose opinions I respect I should have thought it a pleasant, relatively brief, moderately useful, and not completely accurate summary of an eventful era (1920–1960) in American history. It contains a bibliography (pp. 249–267) of uneven quality and no documentation, and it lacks the array of factual information which would make it valuable for reference purposes.

Even the first paragraph, which contains the statement that between 1915 and 1920 the old rural majority became a minority, is not completely supported by the maps on pages 268 and 269. In 1920 there were only sixteen states with 50 per cent or more living in urban communities. In 1960 there were thirty-seven such states. Did the election of 1928 demonstrate an urban dominance of thought and voting?

The chapter headings are sometimes more pretentious than clarifying. "Rise of the Urban Mass Mind"—whatever that means—deals with such variations as the work of Henry Ford, *Main Street*, the rise of the giant corporation, Eugene O'Neill, yellow journalism, the Dayton "monkey trial," Prohibition, and the Ku Klux Klan. Chapter 4, "The New Deal," is also "The Politics of Urbanism." Was it so clearly

that? Should one not include the Tennessee Valley Authority (TVA) and the vast agricultural program? How do Senator Norris and Henry Wallace fit into that frame? Another oddity is Chapter 7, "Prosperity and Pessimism." Though it deals primarily with the period since 1945, it includes, among other things, references to, and occasional quotations from, the literature of the 1915-1939 decades, and, as in an earlier chapter, fails to account for the idealism of either the New Deal or the Kennedy years.

One example of departure from the standards of accuracy and reliability expected of a scholarly historian deserves special mention. On page 49 the author writes that "by following the 'clear and present danger' reasoning of Justice Oliver Wendell Holmes in the historic Gitlow case [in 1925], the Court opened the way for Congress and state legislatures to pass security measures against radicals of all breeds which substantially narrowed the personal freedoms granted [*sic*] in the first ten amendments." Apart from the excessive spread of "all breeds," there are at least five errors in that sentence. Holmes dissented in Gitlow and employed the clear and present danger standard—first enunciated in the Schenck case in 1919, a case involving resistance to the draft in time of war—against conviction. Legislation of the kind applied in Gitlow was common before 1925. The clear and present danger standard was, in its day, employed primarily as a protection against conviction under such laws. And, most important, the great significance of Gitlow is that the majority opinion, for the first time, explicitly accepted the view that the guarantee of free speech and a free press in the First Amendment was henceforth extended to state action by the liberties guarantee of the Fourteenth Amendment. It is, thus, the foundation for many of the civil liberties decisions of the past thirty-five years.

BENJAMIN F WRIGHT

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W. DAVID LEWIS *From Newgate to Dannemora: The Rise of the Penitentiary in New York, 1796-1848*. Pp. x, 311. Ith-

aca, N.Y.: Cornell University Press, 1965. \$6.75.

Few public institutions have been as vulnerable to the tug and haul of politics, ideological disputes, reformers' zeal, and economic tribulations as the American prison. With little accumulated experience in handling incarcerated felons in either the Old World or the New, but faced with the task of substituting imprisonment for capital and corporal punishments after the Revolution, America's early prisons were especially subject to such influences. Experimentation tempered by expedience produced such bizarre prisons as Maine's—a series of pits—Connecticut's—a worked-out copper mine—and Virginia's—a four-tiered circular cell house—while penal theory ranged from exorcism to phrenological fatalism.

By the 1830's two distinct prison systems had emerged from this welter. One, the so-called penitentiary, originating in Pennsylvania and emphasizing perpetual solitary confinement with cell labor, enjoyed limited adoption in this country. The other, characterized by congregate work under complete silence during the day with solitary confinement at night, developed in New York State at Auburn and Ossining, spreading eventually to most other states and becoming the archetype of the American prison. *From Newgate to Dannemora* is an account of this system's origins and of its vicissitudes to about 1860.

The main problem Dr. Lewis set himself was to explain why the New York prison system evolved from initially mild correctional practices into the harsh and repressive regimen of its matured form. Newgate, the State's first prison, was designed and administered for a time by Thomas Eddy, a merchant and Quaker of New York City. Influenced by Philadelphia reformers, Eddy looked for the reformation of offenders rather than for their punishment and strived ceaselessly to achieve this end during his three-year stewardship. Troubles with his inspectors—he being a Federalist and they Jeffersonians—combined with divided authority, scarce funds, and overcrowding frustrated his efforts.

The opening of Auburn Prison in 1817 in a western rural region oriented religiously

more to a dour Calvinism than to the milder eastern heterodoxies marked a new direction in prison history. Following initial failure in experiments with solitary confinement, Auburn hit its stride, under the grim leadership of Elam Lynds, by treating its prisoners as the depraved and wicked creatures they were believed to be. Strict silence and hard labor were enforced by the lash. Austere meals, a minimum of creature comforts, unremitting industry, and rigid routine established a system designed to break the prisoners' spirit and serve as a frightening deterrent to would-be offenders. To the satisfaction of economy-minded legislators and profit-minded citizens, both Auburn and Sing Sing paid their own way by selling inmate labor power to private contractors. Productivity and balance sheets rather than recidivism rates eventually became measures of prison management efficiency.

Written by a professional historian, *From Newgate to Dannemora* draws heavily upon primary sources of kinds seldom used by criminological writers; a wealth of detail—much of it relating particularly to political influences—considerably broadens our perspective on the array of forces that helped shape the American prison. The author ends his well-written book with a valuable "Critical Essay on Sources"—a refreshing departure from the customary Bibliography.

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NIGEL WALKER. *Crime and Punishment in Britain: An Analysis of the Penal System in Theory, Law and Practice*. Pp. xiii, 367. Chicago: Aldine, 1965. \$13.50.

The first third of this volume is a general introduction to criminology; the remainder discusses British penal practice. It is written with a crisp style, iconoclastic independence, and wide-ranging scholarship.

Parts I and II describe the diversity of crime, then critically assess empirical evidence for theories of crime causation. Although this is done well, somewhat lower standards of proof are accepted for psycho-

analytic than for other explanations for crime. There also is neglect of learning and social support among peers—not necessarily in gangs—as prime factors in delinquency. Several parts of the book tabulate age-specific crime and recidivism rates, but without seeing the implications of such data for an interpretation of most crime as a substitute for legitimate behavior, pursued mainly by persons who are poorly prepared for the latter, but who eventually are socialized in it.

Part III, entitled "The Disposal System," is a tortuous taxonomy of aims, assumptions, and variations of penal measures in Britain. Readers unaware that Scotland and England have separate judicial and penal systems will be surprised to learn of the uniqueness of much Scottish practice.

In concluding Part IV, on "sentencing," the author recommends that judges not satisfied with fining or discharging an offender be obliged to refer him to a sentencing authority endowed with the time and training needed for imposition of supervision or confinement. Similarity of this to systems long operating in the United States, notably in California and Washington, is not mentioned. Objective analysis of "sentencing" by such authorities, like the studies of judicial sentencing reported here, is long overdue. From sparse data on correlates of reconviction rates, the author poses the hypothesis that all sentences now are interchangeable, hence the cheapest and most humane, such as fines, would reduce crime as much as any alternative. However, prospects of invalidating this hypothesis by further research also are indicated.

Part V deals with mentally abnormal, female, and recidivist offenders. With many mental hospital commitments compulsory, with prison psychiatry increasing, and with psychiatric treatment an obligatory condition of probation, the author speculates that there eventually may be little function for a plea of insanity. An "epilogue" summarizes all his predictions and recommendations. The fifteen-page Bibliography, in citing empirical studies, includes statistics on their samples.

This book alerts penal policy-makers in Britain to their assumptions and directives, to the knowledge they need, and to prob-

able future developments. Such books should be both written and repeatedly revised for all countries, and also in an international comparative perspective.

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DAVID E. LAVIN. *The Prediction of Academic Performance: A Theoretical Analysis and Review of Research*. Pp. 182. New York: Russell Sage Foundation, 1965. \$4.00.

Professor Lavin's survey of over three hundred studies of the various methods devised to predict academic performance provides a simple if not a particularly satisfying answer to a question many a professor has asked about one of his students: "How the devil did he get in here?" The sad fact, as Lavin points out, is that many of these studies have been inadequately constructed or have arrived at diametrically opposite conclusions. Repeatedly the reader is told that a study provided no control for ability, that no differentiation by sex was made, or that three studies showed a factor to have some predictive value while two other studies indicated the factor to have no predictive value.

Lavin begins with a brief philosophical discussion as to whether grades really are a meaningful criterion of a student's worth and a caveat as to the subjective character of a teacher's grades. Like others before him who have raised the same question, he is compelled to rely on grades for lack of a better standard.

Chapter 4 contains a discussion of those methods of prediction most familiar to those who have served on admission or scholarship committees. Lavin notes that predictions based on past academic performance become increasingly reliable at higher educational levels with predictions for college less reliable than those for high school but more reliable than those for graduate school. The reason for this is easily discerned—the higher the educational level, the more homogeneous the intellectual level of the students.

Measurements of intellectual ability, even if accurately achieved, may be fallible

predictors because students either under or over achieve. Attempts have therefore been made to uncover various personality and sociological factors which may add to the reliability of the prediction. Unfortunately, it is in precisely these areas where the various studies have been most subject to the various criticisms noted above and are least conclusive in their findings. Most of these studies have sought a prime mover by concentrating on the importance of a single variable. Study habits, ratings by teachers and peer groups, attempted measurement of motivation, independence and impulsivity, and anxiety and introversion have been found wanting in varying degrees. Among a host of sociological factors too numerous to mention, socioeconomic status appears to have the closest link with performance except at the highest income levels.

Lavin's study encompasses an enormous amount of material with valuable reading lists at the end of each chapter. His summaries of the various studies are often too brief to permit accurate evaluation, but lend support to Lavin's judgment that still further research is needed. Whether his confidence that a blending of psychological and sociological research will improve the quality of prediction remains to be tested.

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PHILIP M. HAUSER and LEO F. SCHNORE (Eds.). *The Study of Urbanization*. Pp. viii, 554. New York: John Wiley & Sons, 1965. \$9.75.

Fifteen social scientists examine urbanization from the viewpoint of five academic disciplines and provide historical and cross-cultural studies of urban processes in this important book. The Editors have organized its chapters into two parts: first, a summary of studies of urbanization in history, geography, political science, sociology, and economics, largely through reviews of their literature; and second, studies of world-wide urbanization which employ the theory and methods of these social sciences.

Sociologists and geographers more than

other social scientists, this book reveals, have studied cities extensively. The sociologists represented here, with the exception of Sjöberg, are ecologists and demographers, whose approach is useful in surveying the processes of urbanization but is weak in analysis of its cultural implications. Keyfitz somewhat believes this observation by his excellent, although not novel, ecological analysis of urbanization in Southwest Asia in terms of the economic and political relations of cities and rural villages. Sjöberg's review of urban sociology is confusing because his categories of urban researches do not rest on theoretical distinctions between them. His analysis of cities in developing and industrial societies utilizes the typology of cities he developed in his *The Preindustrial City* and suffers its theoretical limitations. Lampard, an economic historian, puts his typology of historical cities somewhat curiously into an ecological framework, which seems both inappropriate and unnecessary.

Mayer and Ginsberg review the numerous studies of cities by geographers, which stress urban morphology and city-region relationships. But Ginsberg also queries the cultural as well as physical factors which affect urbanization in world societies and supplies a cultural emphasis singularly lacking in this book. Berry, however, urges geographers to employ more rigorous research methods, including mathematical analysis and simulation models, in which even cultural analysis might disappear from urban geography.

Glaab restricts his review of urban history to historians of American cities, whose work and specialization, he says, are only beginning to be recognized. He thereby minimizes the contribution of historians more generally to knowledge of cities in present and past societies. Sayre and Polsby similarly deal with American urban political science and are engrossed too much perhaps in its present issues and predicaments. Vernon, Hoover, and Thompson lament the economists' relative lack of interest in cities, but suggest possibilities of urban economic research which, if fulfilled, would be valuable to all students of cities.

This book is a significant summary and

evaluation of how social scientists investigate urbanization. Its value, however, would be enhanced had its author also dealt with cities as urban communities and provided a larger cultural perspective of world urbanization.

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F. MUSGROVE. *Youth and the Social Order*. Pp. xix, 168. Bloomington: Indiana University Press, 1965. \$5.00.

Our contemporary milieu, at least in the United States, is permeated by a serious concern for various underdogs. No underdog, whether Negro, Jew, or female—to suggest a few—warrants our interest more than does Western youth. It is to the understanding of his roles in various social structures and the many problems related thereto that Professor Musgrove directs his attention.

The author holds that the current status and problems of youth are an outgrowth of economic, demographic, and educational changes occurring during the past century and corollary changes in values which emerged from "new philosophies and psychologies." All of these play a major role in stability and change in societal systems.

Four assumptions are assessed using a variety of socioscientific research approaches. The assumption that the status of youth tends to improve when young people are protected from the strains of a nation's economic life—through prolonged formal education—is rejected following extensive historical and demographic analysis. The degree of social power which was formerly held by past generations of youth has declined through a process of segregation from the activities of the adult world. That young people have widely rejected the standards, guidance, and authority of adults and are united in hostility towards them is a second assumption which Musgrove rejects following a survey of the attitudes of young people and adults. A third assumption, that if recognized and rewarded young people will tend to be innovators, experimentors, and acceptors of

new ideas, is also rejected. Cross-cultural analysis suggests that youth will be more likely to provide impetus towards social experimentation and change when they are denied social power. Finally, the idea that the selection of a relatively small minority of "privileged" youngsters for the more favored English formal education—which ensures entry into positions of influence and prestige—leaves the majority with "a sense of failure, rejection, and resentment" is also rejected. In addition to reviewing a wide range of pertinent research reports, Musgrove used psychological measuring devices to throw light on this assumption. Whereas the "privileged" grammar school students were "beset by irreconcilable social demands" the less privileged modern school youth seemed to suffer "far less doubt and uncertainty" and to "identify themselves far more closely with the adult world."

This thoughtful, careful study reflects a variety of research capabilities in both contemporary social scientific methodology and traditional scholarship. The extent to which the findings reported herein apply to all of English or American society today remains somewhat in doubt. That American findings may not apply to English society is, indeed, recognized by the author.

As to the practical implications, the author is in fear of prolonged adolescence through extended formal education and social roles which decelerate the maturity of the young. Perhaps there is little need for the acceleration of maturity in types of societies in which leisure is on the increase and in which past conceptions of educational needs have become obsolete. Musgrove is stressing the need to minimize traditional education and maximize technical, industrial education at a time when in American society we are currently beginning to reassess traditional learning as possibly worthy in and of itself. We in America have already experienced the pitfalls and emptiness of overemphasis upon instrumental knowledge. Regardless of our understanding of what people know and believe, all industrialized nations must give more serious thought to what kind of social systems we want to create and what new models are to be pursued. This significant

study provides a stimulant for serious reflection on these matters

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LEIGH MINTURN and WILLIAM W. LAMBERT. *Mothers of Six Cultures: Antecedents of Child Rearing*. Pp. xi, 351. New York: John Wiley & Sons, 1964. No price.

This is the second volume in the series reporting the famous Six Cultures study of child-rearing which was performed in the middle 1950's under the direction of John and Beatrice Whiting, Irvin Child, and William Lambert. The first volume, *Six Cultures—Studies of Child Rearing*, edited by Beatrice Whiting, contained extensive ethnographies of six small villages in Mexico, the Philippines, India, Nyansongo (Africa), Okinawa, and New England. The present report is devoted to a factor analysis of a set of scales that measured maternal child-rearing practices as these were revealed in a standardized open-ended interview, and to the testing of a series of hypotheses concerning the social, economic, and demographic causes of the practices represented by the obtained factors. Two methods are used for this latter purpose. One is a cross-cultural comparison that utilizes the mean score of a given culture on a given factor as a dependent variable and the measures of social or economic characteristics as the independent variables. An ingenious chi-square device permits even the small sample of six cultures to provide a number of significant findings. The other method is an intra-cultural procedure in which the correlated variation of individual mothers on the dependent and independent variables provides the test of hypotheses.

The findings are not spectacular but they are convincing. For example, there is clear support from the cross-cultural data, from a separate cross-cultural analysis based on data from the Human Relations Area Files (HRAF) and from the within-groups analysis of the present study, that children are more severely punished for aggression when they live in multiple family dwellings

or in stem families than when they have separate houses and reside in a nuclear family. Another example: mother warmth varies positively with the number of adult women living in a household.

This research has been an able pioneer in both field methodology and in quantitative analysis of ethnographic data. The field work was objective, observational, and usefully quantifiable. The data analysis is precise, sophisticated, and easily understandable. The book is well written and succinct. As a model of how contemporary social science methods can be applied to ethnographic field problems, one can hope that it will have a wide influence.

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E. E. EVANS-PRITCHARD. *The Position of Women in Primitive Societies and Other Essays in Social Anthropology*. Pp. 260. New York: Free Press, 1965. \$6.95.

This is the second volume of essays and lectures brought together for publication by Professor Evans-Pritchard of Oxford University, who is justly famous for his studies of the Nuer and the Azande peoples of Africa.* The fourteen articles cover a wide range and reflect his long experience, from "The Dance," published in 1928, to "The Comparative Method in Social Anthropology," delivered as the Hobhouse Lecture in 1963. They are prevailingly brilliant ethnographic presentations, each built on a central theme: bride wealth, collective expression of obscenity in Africa, Nuer modes of address, imagery in Ngok Dinka cattle-names, the daily life of the Nuer in dry season camps, Nuer modes of address, and ghostly vengeance among the Anuak of the Anglo-Egyptian Sudan. The carefully chosen detail has the sureness that can come only from a master of an era.

"The Zande State" (1963) is an outstanding, concise exposition of Azande expansion and of the intensification of the struggle among deputies and sons as conquest slowed down and provincial governors could only rise to power at one another's expense. The discussion of the

emergence of a noble caste from the royal clan as its members became too numerous for all to hold positions of power and authority is a notable contribution to the history of aristocratic distinctions and their relationship to the practice of incest. Male members of the royal clan disliked the idea of their subjects possessing their daughters and, even after marriage, had "incestuous relations with all but the full sister." Reared in idleness, noble women made poor wives for men of lesser status. Instead, they were given in marriage to kinsmen, "sometimes to cement a friendship, or more commonly [to be] kept as mistresses by their fathers and brothers, for nobles did not hesitate to have congress with their own daughters and with their sisters on the spear-side" (p. 128). This essay is a far more notable contribution to the topic of the position of women than is the title essay, which the author himself defines as "slight." In fact, it is a trivial treatment of African women, not of women in primitive societies, whose lives—like the lives of men in primitive societies—are shaped by the simplicity of the technology. Where he is not dealing with African women in the areas he has studied, Professor Evans-Pritchard's knowledge about the position of women is superficial. His views appear to be more clearly a response to the feminism he encountered in his youth than a judgment based on an acquaintance with the literature. The book also contains a valuable essay on the Luo people of Kenya, on whom Professor Evans-Pritchard was able to do some brief, intensive field work in 1936.

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ELTON B. MCNEIL (Ed.). *The Nature of Human Conflict*. Pp. xvi, 315. Englewood Cliffs, N.J.: Prentice-Hall, 1965. No price.

Two themes run throughout this book, but especially in the sections written by its editor, Elton B. McNeil, a member of both the Department of Psychology and the Center for Research on Conflict Reso-

lution at the University of Michigan. On one hand, we are told, attempts must be made to combat the increasing fragmentation of knowledge; the social sciences must "pull themselves together" across the traditional disciplinary lines. On the other hand, this integrated social science must be employed in seeking solutions to human problems and human conflict. Although it is a valiant and worthy effort toward these twin goals, the present volume also indicates that the goals are still very far off.

Specialization inevitably arises in all fields as knowledge increases. We might sneer at the scholar or researcher digging ever deeper into an ever-narrowing domain; "the expert is a person who knows more and more about less and less." Yet what else is to be expected when the accumulation of information in every science demonstrates that apparently simple phenomena are much more complicated than was first suspected? This progress toward complexity is not given adequate recognition in a number of chapters. As one example, Professor Stagner's paper on "the psychology of human conflict" summarizes some of the classic social psychological investigations of misperceptions and misunderstandings, but no mention is made of more recent research findings which qualify and limit many of the author's statements. Much of the oversimplification found in the book is undoubtedly deliberate; the book is intended for nonspecialists. It can provide an introduction to a variety of problem areas related to human conflict, such as animal behavior, social psychology, anthropology, sociology, and economics. Most readers will quickly recognize, however, that there is much more to these disciplines than can be found within the covers of the volume. The different fields must surely know more than is represented here.

Specialized knowledge is meaningful to any discipline as well as to its sister sciences only to the extent that it leads to the formation of theoretical generalizations, and it is primarily at this level that the social sciences diverge. The present book is a testimonial to these theoretical differences. Psychologists have often viewed conflict as being the irrational prod-

uct of the individual's emotions and/or distorted perceptions. The other social sciences, by contrast, typically prefer to emphasize group-level rather than individualistic abstractions, and not infrequently choose to consider the more rational aspects of conflict. Thus, psychologists Katz and Withey, on one hand, in discussing "the social psychology of conflict," place particular stress on nationalistic attitudes which tie the individual ideologically to others in his nation-group, but keep him apart from people in other nations. Professor Angell, on the other hand, in representing "the sociology of human conflict," discusses such matters as the rules regulating conflict, while the political scientist, Singer, argues that social organizations are not the individual writ large and that public opinion, with all its distorted perceptions, is by no means the most important factor governing international relations.

The McNeil book serves two helpful functions then. The nonspecialist can obtain a very simple introduction to some thoughts and empirical findings dealing with conflict in the various social sciences—but these introductions, despite the chapter headings, do not present "the psychology," "the sociology," "the anthropology," or "the history" of conflict. Second, the chapters demonstrate very clearly the fragmentation of the social sciences. Given their primitive state, can any small group of writers successfully pull them together, much less apply their knowledge to the solution of extremely complicated practical problems?

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VICTOR GRUEN. *The Heart of Our Cities: The Urban Crisis—Diagnosis and Cure.* Pp. 368. New York: Simon & Schuster, 1964. \$8.50.

The forces threatening the existence of cities—urban sprawl, the flight from the city, and the resulting blight—are analyzed in Victor Gruen's book, and the automobile is identified as the arch culprit responsible for the decline of the heart of cities. He is especially critical of the

policy of constructing facilities designed to bring as many automobiles as possible to the heart of cities as such a policy leads to the breakdown of public transportation and aggravates traffic congestion.

The widely heralded movement to revitalize the heart of cities by the creation of pedestrian malls is dismissed "as a half-hearted and partial attempt" (p. 222) which cannot solve the problems of the heart of our cities as the malls "are a surface promotional measure lacking any comprehensive planning concept" (p. 223).

Mr. Gruen draws upon the experience of many cities, analyzes proposals for the revitalization of other cities, and recommends a system of limited access highways in the form of inner, intermediate, and outer loops supported by parking facilities along each loop. It is his contention that compactness and cohesiveness, which are essential to urban health, can be maintained only by a mass transportation system which shoulders a major share of the total transportation requirements of the city. He argues for a balance in transportation systems and issues a call for a variety of forms of public transportation including slow-moving, "electrically driven" buses for the heart of the city, larger buses for the inner loop, long-distance buses, subways, and moving-belt systems. Added subsidies for mass transportation are recommended.

The procrustean nature of zoning is documented, and a complete revision of zoning regulations is urged because they have promoted oversegregation of land uses, thereby contributing to a lack of life and variety in the heart of the city. One has to agree that many basic zoning concepts developed early in this century are in need of fundamental rethinking.

The author's approach is most refreshing though his criticism of existing urban-core revitalization programs is not entirely fair. It appears that he purposely exaggerated the magnitude of the urban crisis and the "diabolical" schemes of various urban specialists in the hope of shocking public officials and the public into a reassessment of current urban transportation programs.

In conclusion, this thought-provoking

book would have been improved had source material been fully documented and all quotations fully footnoted.

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ROY LUBOVE. *The Professional Altruist: The Emergence of Social Work as a Career, 1880-1930*. Pp. viii, 291. Cambridge, Mass.: Harvard University Press, 1965. \$5.95.

Here is a historical work which appears at a particularly strategic moment. It provides unusually sound and well-documented perspective on current reforms in American social welfare which may result in major changes in the social work profession. More specifically, while the author does not make this connection, it serves to place in focus the preoccupation with a new form of voluntarism, the uses of non-professional personnel, efforts to counteract excessively rigid bureaucratization in programming, and the validity of the social worker in a "broker" or "liaison" role.

Professor Roy Lubove of the University of Pittsburgh, School of Social Work, writing in the context of the work of Harvard's Center for the Study of History of Liberty in America, actually provided not a history of social work but a history of casework, with occasional side comments about other methods. This is justified in the light of the centrality of casework as the dominant social work method and vehicle for its efforts at elevation to professional status before the Great Depression. However, the decision not to study comprehensively the role or group work and the settlements or to include the analysis of the social worker as a reformer—fields with which the author showed considerable acquaintance in *The Progressives and the Slums*—does, of course, not give the reader a full background for understanding the role of social work between the Depression and World War II and the current effort on the part of some to develop a profession with clinical and non-clinical streams or—as some put it—a profession with clinical and public health competencies and responsibilities.

Also Dr. Lubove's surprising failure to provide socioeconomic and ideological context for social work's adoption of psychiatric concepts and its stress on individual therapy tends to permit interpretation of developments solely in terms of bureaucratic forces or predilection of individual actors.

Within the context of the boundaries chosen, Lubove has produced one of the best available analyses of the transition from moralistically guided voluntarism to a new profession seeking to base itself on practice-derived knowledge, behavioral science, and a structure of education and socialization. Students of American social welfare will find this a valuable addition to the literature.

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